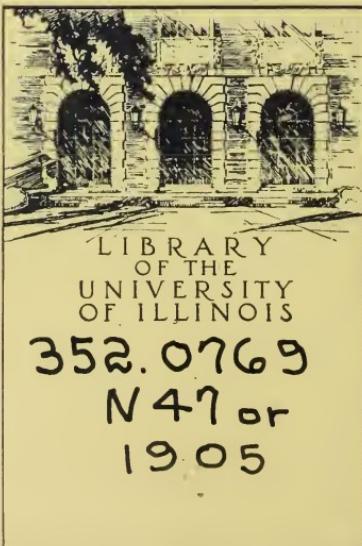




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# A COMPILATION

— OF THE —

## Ordinances and Municipal Laws

— OF THE —

# CITY OF NEWPORT, KY.

IN FORCE SEPTEMBER 15, 1905.

CONTAINING THE MUNICIPAL ACT OF MARCH 19, 1894, AND AMENDMENTS THERETO — AND CERTAIN SPECIAL ACTS RELATING TO THE CITY OF NEWPORT.

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ANNOTATED AND  
COMPILED BY

AUBREY BARBOUR.

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BY ORDER OF THE GENERAL COUNCIL.

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MONFORT & CO.



CINCINNATI, O.

# TABLE OF CONTENTS.

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## PART I.

"AN ACT FOR THE GOVERNMENT OF CITIES OF THE SECOND CLASS IN THE COMMONWEALTH OF KENTUCKY," MARCH 19TH, 1894 (CHARTER OF THE CITY OF NEWPORT, ETC.), AND AMENDMENTS — ANNOTATED.

## PART II.

CERTAIN SPECIAL ACTS OF THE GENERAL ASSEMBLY RELATING TO THE CITY OF NEWPORT.

## PART III.

GENERAL ORDINANCES OF THE CITY OF NEWPORT.

## PART IV.

SPECIAL ORDINANCES OF THE CITY OF NEWPORT.

## PART V.

GENERAL INDEX.

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## PART I.

"An Act for the Government of Cities of the Second Class in the Commonwealth of Kentucky,"  
March 19th, 1894 (Charter of the City of Newport, etc.), and Amendments—Annotated.

WEBSTER HELM, Agent,  
Newport, Ky.



# MUNICIPAL ACT

## FOR CITIES OF THE SECOND CLASS.

### (CITY CHARTER.)

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(ACT OF MARCH 19, 1894, AND AMENDMENTS.)

NOTE.—Sections as numbered correspond with the numbering of same in Kentucky Statutes, 1903.

#### *Subdivision—*

1. Municipalities, § 3038.
2. Distribution of powers, § 3041.
3. Legislative department, § 3042.
4. General powers, § 3058.
  - a. Powers of council generally, § 3058.
  - b. Street and street improvements, § 3094.
  - c. Sewers, § 3105.
5. Executive department—officers and their duties, § 3106.
  - a. Mayor, § 3106.
  - b. Superintendent of public works, § 3118.

#### *Subdivision—*

- c. Auditor, § 3126.
- d. City Treasurer, § 3131.
- e. City Clerk, § 3133.
- f. Police Commissioners, § 3137.
- g. Commissioners of waterworks, § 3143
- h. City Engineer, § 3144.
- i. City Jailer, § 3145.
6. Judicial department, § 3146.
7. Elections, § 3172.
8. Revenue and taxation, § 3147.
9. Sinking fund, § 3190.
10. General provisions, § 3196.
11. Public schools, § 3212.

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#### SUBDIVISION I.—MUNICIPALITIES.

§ 3038. COVINGTON, NEWPORT AND LEXINGTON.—The cities of Covington, Newport and Lexington are hereby declared to be cities of the second class, and the inhabitants thereof, and of such other cities as may hereafter be declared cities of the second class, respectively, are created and continued bodies-corporate and politic, within their respective limits, with perpetual succession, by the name and style which each now respectively bears, with

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§ 3038. (1) When a city has been assigned by the Legislature to a particular class as provided by the Constitution, it must remain in that class

until changed by the Legislature. The courts have no power to transfer it to another class upon the ground that its population was not

power to govern themselves in all fiscal, prudential and municipal concerns by such ordinances and resolutions as they may deem proper, not in conflict with this act or the Constitution of the State of Kentucky or the Constitution of the United States; to acquire property for municipal purposes, by purchase or otherwise, within their corporate limits or elsewhere; to hold the same and all property and effects now belonging to the said cities, held either in their own name or in the name of others, for the use of each of said cities, for the purpose and interest for which the same were granted or dedicated; to use, manage, improve, sell, convey, rent or lease the same; and to have like power over property hereafter acquired, and as such, by their respective names, shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being pleaded, answering and being answered, in all courts and places, and in all matters whatsoever; and shall have and use, respectively, a corporate seal, and make, change, alter and renew the same at pleasure.  
*(Paducah was transferred to this class by act of March 21, 1902.)*

sufficient to entitle it to a place in the class to which it was assigned. Green vs. Commonwealth, 95 Ky. 233; 16 R. 161.

(2) The provisions in a city charter conferring upon the city the power to purchase property, gives the city the right to purchase for governmental purposes only; but a purchase by a city for its taxes is a purchase for a governmental purpose, whether the purchase be made at a sale under a levy by the collecting officer, or under a decretal sale. Keller vs. Wilson, 90 Ky. 350; 12 R. 471.

(3) The power of a municipal corporation to acquire land for the purpose of erecting wharfs thereon, and to charge wharfage, is not a necessary incident of its charter, but must, like all its other powers, be de-

rived directly from the Legislature, to be exercised within the limits and upon condition of the grant. Roberts, etc., vs. City of Louisville, 92 Ky. 95; 13 R. 406.

(4) Wharf property acquired by a city under legislative authority, is held by it in trust for the public, and the city can not transfer the title or possession. Roberts vs. City of Louisville, 92 Ky. 95; 13 R. 406.

(5) The use and control of public high ways, such as streets, wharves, etc., belonging to a city, can not be surrendered by the city to a private individual to the exclusion of the public in the absence of express legislative authority; therefore, a lease of a wharf by a city to a private person is void. Bateman, etc., vs. City of Covington, 90 Ky. 390; 12 R. 384.

§ 3039. BOUNDARIES—JURISDICTION.—The corporate boundaries of each of said cities shall continue and remain as they are now established, until altered by law; and every such city, bounded in part by the Ohio river, shall have concurrent jurisdiction with the State of Kentucky over the waters of that river opposite thereto; and if the boundary line between any two or more of said cities, or of any such city and a county or counties not embraced in said city, shall be the Licking river, or other stream within the State, each city shall have concurrent jurisdiction with the other, and with such county or counties, over the waters of such river or stream opposite thereto. (*See further, as to extension of limits, Secs. 3050-3057.*)

§ 3040. RIGHTS, TITLES, INTERESTS AND PRIVILEGES.—Each of said cities shall be, and is, vested with all the rights, titles,

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(6) Injunction lies in favor of taxpayer to prevent a municipal corporation and its officers from making an illegal or wrongful disposition of the corporate property whenever irreparable injury will be done to the plaintiffs and they have no adequate remedy at law. *Infra* (7).

(7) Municipal corporations have a dual character—one, governmental or public; the other, private or proprietary; and the general proposition that a court of equity may not enjoin the passage of a municipal ordinance must be confined in its application to subjects over which the corporation in its governmental or public character has discretionary authority. Roberts, etc., vs. City of Louisville, 92 Ky. 95; 13 R. 406.

(8) Right of town to build wharves and charge wharfage. Newport vs. Taylor, 16 B. M. 804. See Notes 6 and 7 to § 3094.

(9) Right to purchase property at tax sale. Keller vs. Wilson, 12 R. 471; 90 Ky. 350; Note 5 to § 3187.

(10) In an action by a taxpayer to enjoin extension of electric light plant beyond city limits, it is held the management and operation of same is not the exercise of governmental and legislative powers, but is a business which the city may conduct in a manner which promises the greatest benefit to city in the judgment of council, and court can not interfere with reasonable discretion of council. Henderson vs. Young, 27 R. 1152.

§ 3040. *Rights and Powers*—

(1) As to appointment of person to vote stock of city in bridge company. Covington vs. C. & C. Bridge Co., 10 Bush 69.

(2) Cities are agencies of the State, and can exercise only those powers conferred upon them, or such as are necessary to the exercise of their corporate powers. Henderson vs. Covington, 14 Bush 312; Wheatley vs. Covington, 11 Bush 18; see also 7 Bush 599; 11 Bush 527; Patton vs. Stephens, 14 Bush 324.

interests and privileges which were vested in, possessed and held by each of them, respectively, at the time of the passage of this act, and is hereby charged with all lawful liabilities and obligations now existing; but said rights shall be held for the same purposes and subject to the same trusts as heretofore, and the power

Exceptions to general rule, 8 Bush 508.

(3) Legislature can delegate no greater powers than might be exercised by the Legislature itself. Lexington vs. McQuillan, 9 Dana 513.

(4) Repeal of charter power by amendment thereto not implied—repeal must be express or necessarily implied. Byrne vs. Covington, 15 R. 33.

(5) Certain special acts relating to city of Covington are repealed by this act. McInerney vs. Huelfeld, 25 R. 272.

(6) Constitution, § 203, concerning the alienation by corporations of franchises, does not apply to municipal corporations. Carrollton Furn. Mfg. Co. vs. City of Carrollton, 104 Ky. 525, 20 R. 818.

#### *Liabilities—*

(7) A contract to furnish a city, for two years, a system of patrol for police and fire protection, may be revoked whenever there are grounds therefor in the *bona fide* judgment of its council, and there is a *prima facie* presumption that a revocation was for good cause. City of Newport vs. Phillips, 19 R. 352.

(8) Contract with a city is void when the council had the power to contract in a particular way, and contracted otherwise. City of Covington vs. Woods, 3 R. 85.

(9) A party contracting with the city is presumed to know the law

regulating the mode of contracting. City of Covington vs. Woods, 3 R. 85; Murphy vs. City of Louisville, 9 Bush 189; Craycraft, etc., vs. Selvage, etc., 10 Bush 696; Trustees of Bellevue vs. Hohn, 82 Ky. 1, 5 R. 730; City of Covington vs. Hallam, 16 R. 128.

(10) While as a rule the mayor of a city has no authority by virtue of his office to authorize litigation in behalf of the city, or employ counsel to represent it, cases of emergency may arise when the power must necessarily exist. City of Louisville vs. Murphy, 86 Ky. 53, 9 R. 310; City of Owensboro vs. Wier, 95 Ky. 158, 15 R. 506, 14 R. 710. As to what constitutes an emergency, see case last cited.

(11) A city has the right to employ a person competent to prepare an amendment to this charter and attend before a legislative committee to urge its adoption. Arthur vs. City of Dayton, 4 R. 831.

(12) Neither a municipal corporation nor its officers can do any act or make any contract or incur any liability not authorized by its charter. All acts beyond the scope of powers granted are void. Easton vs. Trustees of Lancaster, 12 R. 789.

(13) The fact that legal services rendered in behalf of a city in an action in which it was a defendant were rendered with knowledge of members of city council and of the

and authority they now have to provide for the liquidation of such liabilities and obligations shall continue in full force.

#### SUBDIVISION II.—DISTRIBUTION OF POWERS.

§ 3041. LEGISLATIVE, EXECUTIVE AND JUDICIAL.—The government of said cities shall be divided into a legislative, and executive, and a judicial department. No officer of one of these departments shall exercise any power properly belonging to either of the others, except in the instance hereinafter expressly directed or permitted.

#### SUBDIVISION III.—LEGISLATIVE DEPARTMENT.

§ 3042. GENERAL COUNCIL OF THE CITY.—The legislative power shall be vested in a board of aldermen and a board of councilmen, which, together, shall be styled “The General Council of the City.”

§ 3043. BOARDS OF ALDERMEN AND COUNCILMEN — HOW ELECTED — QUALIFICATIONS — TERM — PRESIDENT — RULES — EXPULSION — QUORUM.—The board of aldermen shall be composed of four members, to be selected from and elected by the voters at large of the city. The general council may, by ordinance, provide that the number of aldermen shall be increased to any number not exceeding eight. The board of councilmen shall

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city attorney does not render the city liable, these officials having no authority to make contracts for the city to employ counsel. The city could contract only through its council. Nor does the fact that the city derives benefit from the services raise an implied promise upon the part of the city to pay for them. *City of Covington vs. Hallam*, 16 R. 128.

(14) Where a city contracted, as it had authority to do, for a heating plant for a school house, no subsequent legislation removing such authority from the city could relieve it

from liability on the contract. *City of Ludlow vs. Peck-Williamson H. and V. Co.*, 25 R. 831.

(15) Constitution, § 162, prohibiting a city from paying “any claim created against it under any agreement or contract made without express authority of law,” does not relieve a city from paying for water already received under a contract void because the franchise of the company is invalid. *Nich. Water Co. vs. Town of Nich.*, 18 R. 592.

§ 3043. (1) As to constitutionality of the provision for members

be composed of two members from each ward in the city selected from respective wards, but elected by voters at large of the city. Members of the legislative department of the government of the city shall be elected for two years, and until their successors are qualified. No person shall be eligible as a member of said department who, at the time of election, shall not have resided in the city for two years next preceding his election, not be a male citizen of this State, not be either a housekeeper or owner of real estate in the city, or who shall hold another civil office; be the agent, employe or attorney of any railroad company or street railway company, be directly or indirectly interested in any contract with the city or in any application therefor, be in arrears to the city for money or property collected or held without a settlement or quietus therefor, have been convicted of malfeasance in office, bribery or other corrupt practice or crime, or hold any office or employment in any company or corporation which has or is an applicant for any contract with the city, the terms, rates or prices of which are subject to modification or enforcement by the general council; mere stockholders in such companies or corpora-

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holding over "until their successors are qualified," see Constitution, § 160, and McDermott vs. City of Louisville, 98 Ky. 50; 17 R. 617.

(2) The purchase of a lot by a candidate for mayor rendered him a freeholder, though he purchased the lot for the express purpose of rendering himself eligible, and though the deed was not recorded until after the election. Pettit vs. Yewell, 113 Ky. 777; 24 R. 565.

(3) A member of the board of councilmen of a city is not entitled to recover on an implied contract to pay him for the reasonable value of his services in making a settlement with the city tax collector, such a contract being null and void. City of Winchester vs. Frazer, 19 R. 1366.

(4) A contract between a city and

any person who is a member of the council, or between the city and any corporation which has a member of the council for one of its officers or paid employees, is void. Nune-macher vs. City of Louisville, 98 Ky. 334; 17 R. 933.

(5) The president is absent when he vacates his seat and refuses to act, and the board may then elect a president *pro tempore*, though the regular president remains in the room. Keith vs. City of Covington, 109 Ky. 781; 22 R. 1414.

(6) It is immaterial that some of the trustees of a town were ineligible where the board acted unanimously, and a quorum were eligible. Lewis vs. Town of Brandenburg, 105 Ky. 14; 20 R. 1011.

(7) The acts of persons acting

tions are not, however, herein included, but they shall not vote on or interfere, directly or indirectly, with any matter or question affecting such company or corporation in any manner whatever other than in common with the general public; and in case of aldermen attained the age of thirty years, and in that of councilmen attained the age of twenty-four years, and have been, for one year, *bona fide* residents and voters of the ward for which they may be chosen. The absence or cessation of any of the foregoing qualifications, or the occurring of any of the foregoing disqualifications, after election or during the term of office, shall work a forfeiture of the office, and the general council shall so declare, and the vacancy shall be filled as hereinafter prescribed. Each member of the general council shall receive three dollars for any stated or called meeting of said boards; but each absentee shall forfeit double his pay, unless he be absent from the city, or too sick to attend. Each board shall elect from its own members a president thereof, who shall hold office for one year. In his absence a president *pro tempore* shall be chosen from among its own members by the board. Each board shall adopt rules for its proceedings, determine the election and qualification of its members, except as hereinafter provided, punish its members for contempt or disorderly conduct, and, two-thirds of the members concurring, may expel a member, but not twice for the same

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and recognized as town trustees are valid, they being *de facto* officers. Yancy vs. Town of Fairview, 23 R. 2087.

(8) The section of charters of cities of the first class, providing that each board of the general council "shall judge the eligibility and the election of its members, adopt rules for its proceedings, and punish its members for disorderly conduct," and that "two-thirds of the members-elect concurring, either board may expel a member," by implication at least authorized each board to investigate, with a view to appro-

priate punishment, charges of corruption against its members. Commonwealth vs. Hillenbrand, 16 R. 485.

(9) Under Kentucky Statutes, § 3486, providing that three-fourths of the members of the council of a city of the fourth class voting affirmatively, may for any good cause expel any member, the act of less than that number of members declaring vacant the seat of a member does not create a vacancy. City of Somerset vs. Somerset Banking Co., 22 R. 1129.

(10) Where less than a quorum

offense. A majority of the members-elect shall form a quorum of either board, but a smaller number may adjourn from day to day, and the attendance of members may be enforced by rules or ordinances with appropriate fines, not exceeding ten dollars.

§ 3044. JOINT SESSION — RULES — PRESIDENT — QUORUM.—The general council shall prescribe the rules for its government in joint session; shall be presided over by the president of the board of aldermen, and in his absence by the president of the board of councilmen, and in the absence of both shall elect a president *pro tempore*; may compel attendance of members thereof, and punish them when in joint session for contempt and disorderly conduct. A majority of members-elect of both boards shall constitute a quorum for the transaction of business in joint session.

§ 3045. JOURNAL — PUBLICATION OF PROCEEDINGS AND ORDINANCES — PLACES OF MEETING.—Each board shall keep a correct journal of its proceedings, and immediately after adjournment thereof, a fair abstract of its proceedings shall be published once in one or more daily newspapers, in different languages, if nec-

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of a city council attempted to fill a supposed vacancy in the council where none in fact existed, their appointee was not a *de facto* officer, though he qualified and acted as councilman. *City of Somerset vs. Somerset Banking Co.*, 109 Ky. 549; 22 R. 1129.

(1) Action to oust members can not be maintained by citizen or taxpayer, but must be brought in name of some person entitled to the office, or by the Commonwealth upon information of the attorney-general. *King vs. Kahne*, 27 R. 1080.

§ 3044. (1) Under § 3272 (part of charter of cities of third class), providing that a city council "may determine its own rules of proceeding," it may, during an election by it of a city attorney, after several ballots with the same result, no one

receiving a majority, provide by resolution that after the next ballot the hindmost candidate be dropped; and a member voting for a candidate dropped under such resolution will be counted as not voting. *Wheeler vs. Commonwealth*, 98 Ky. 59; 17 R. 259. See also *Collopy vs. Cloherty*, 18 R. 1061; *Morton vs. Youngerman*, 89 Ky. 505, 11 R. 886.

(2) Under the charter of the city of Louisville, which provides that "The general council shall, in the month of October in each year, elect a commissioner of the sinking fund," etc., an election held by the board of councilmen and a minority of the board of aldermen in joint session is valid. *Tillman vs. Otter*, 93 Ky. 600; 14 R. 586.

§ 3045. (1) The courts will not require the same exactness in the

essary. All ordinances shall be published in like manner before they are in force. The two branches of the general council shall not meet in the same room at the same time, except in joint session. The place or places of meeting shall be fixed by ordinance, and shall not be changed, except by ordinance passed by two-thirds of the members-elect of each board. If from any cause it shall be impossible or impracticable to meet at the designated place, the mayor shall, by proclamation, fix the place pending such difficulty, or until the general council shall act in the premises. (*See, further, as to ordinances, Secs. 3059-3063 and 3114.*)

§ 3046. MONTHLY MEETINGS — CALLED MEETINGS.— Both of said boards shall meet at least once in each month, and shall not adjourn for a longer time, but may adjourn from day to day, and sit as long as business requires. When both boards are called in session, one shall not adjourn without the concurrence of the other for a longer time than twenty-four hours. If they shall fail to agree on adjournment, the mayor may adjourn them to a day not beyond the next regular time of meeting.

§ 3047. PRIVILEGE — EXEMPTION FROM JURY AND MILITARY SERVICE.— Members of the general council shall be exempt from

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keeping of the records of a town as is required in the case of courts of record. Trustees of Hazelgreen vs. McNabb, 23 R. 811; Weatherhead vs. Cody, 27 R. 631. For particular case where record was not sufficient see City of Paris vs. Lilleston, 22 R. 506.

(2) An entry by a city clerk recited that "ordinances for the improvement of streets A, B, C, and D were passed." *Held*, That the presumption is that such ordinances were voted upon separately, as required by the charter, but were thus entered merely for convenience. Nevin vs. Roach, 86 Ky. 492.

(3) A municipal ordinance which appears by the records of the corporation to have been passed, may be

presumed to have been passed by the full number of votes required by the charter, although the record does not affirmatively show that they were given. City of Lexington vs. Headley, 68 Ky. 508.

(4) The journal of a public body as the city council can not be amended by a vote passed by a subsequent board, so as to recite an order as passed which before appeared only as reported. City of Covington vs. Ludlow, 58 Ky. 295.

(5) § 2773 of act for cities of the first class (relating to the publication of ordinances) is merely directory. Reed vs. City of Louisville, 22 R. 1636. Phraseology of section differs from this; and see Commonwealth vs. Williams, 27 R. 695, re-

serving on juries, and from military duty during their terms; and anything said in debate shall be entitled to the same immunities and protection allowed to the members of the General Assembly.

§ 3048. WARDS TO BE LAID OFF — ALTERATIONS OF BOUNDARIES.—That it shall be the duty of the general council, that shall be first elected under this act, to lay off the city into six wards, for the purpose herein named, as nearly equal as possible as to the number of inhabitants, and fix permanent boundaries; and it shall be the duty of the general council, from time to time, to alter the boundaries of the wards so as to equalize the number of the inhabitants in each as near as may be; but such alterations shall not be made except on a general census of all the inhabitants being previously taken.

§ 3049. VACANCIES IN OFFICE — HOW FILLED — OFFICERS AND AGENTS ELECTED BY COUNCIL.—Vacancies in offices elective by the general council, as now provided, shall be filled by election in joint session for the remainder of the term vacated. Vacancies in offices elective by popular vote shall be filled by appointment by the mayor for the remainder of the term, except that a vacancy in the office of mayor shall be filled by election by the general council; *Provided*, That the unexpired term will end at the next succeeding annual election at which either city, town, county, district or State officers are to be elected. If the unexpired term

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lating to cities of fourth class. Publication is presumed. Muirs, Administrator, vs. Bardstown, 27 R. 1150.

(6) As to publication of ordinance, see Allen vs. Woods, 20 R. 59; Preston vs. Stengel, 6 R. 451; City of Henderson vs. Brown, 7 R. 609; Manley vs. Trustees of La-grange, 7 R. 825; Fox vs. Middle-borough Town Co., 96 Ky. 262, 16 R. 455; Dunn vs. German Security Bank, 5 R. 778; City of Henderson vs. Sutton, 7 R. 378; Ormsby vs. Jamison, 9 R. 325; Reed vs. City of Louisville, 22 R. 1636.

(7) A publication of the levy ordinances of the city of Louisville on Sunday, and no other day, before seeking to enforce them, is not such a publication as the city charter requires or the law of this State approves. Ormsby vs. City of Louisville, 79 Ky. 197; 2 R. 66; 2 R. 277.

§ 3049. (1) Presidential electors are State officers within the meaning of this section. Todd, Mayor, vs. Johnson, etc., 99 Ky. 548; 18 R. 354. As to constitutional provisions relating to elections to fill vacancies, see Smith vs. Doyle, 25 R. 958.

(2) Under Constitution, § 152,

will not end at the next succeeding annual election at which either city, town, county, district or State officers are to be elected, and if three months intervene before said succeeding annual election, the office shall be filled as aforesaid until said election, and then said vacancy shall be filled by election for the remainder of the term. If three months do not intervene between the happening of said vacancy and the next succeeding election at which city, town, county, district or State officers are to be elected, the office shall be filled by appointment by the mayor until the second succeeding annual election at which city, town, county, district or State officers are to be elected; and then if any part of the term remains unexpired, the office shall be filled by election until the regular time for the election of officers to fill said offices. All officers and agents of the city, in any of its departments, not

where three months intervene between the time when a vacancy occurs in the office of city councilman and the next succeeding annual election, an appointee to fill the vacancy holds only until such election. *Pence vs. City of Frankfort*, 101 Ky. 534; 19 R. 721.

(3) In cities of the second class, a mayor's appointment of a member of the board of police and fire commissioners to fill a vacancy need not be confirmed by the board of aldermen. *Watkins vs. Mooney*, 24 R. 1469.

(4) When a statute confers the appointing power and does not expressly authorize self appointment, the appointment of some other than self is always contemplated.

When a city council is authorized by statute to appoint an assessor, the appointment by that body of one of its own members is void, as is also any assessment made by him. *City of Mayfield vs. Anderson & Tice*, 15 R. 63.

(5) Kentucky Statutes, § 3619, providing that the marshal and certain other city officers shall be appointed for a term of two years by the city council, but may be removed at the pleasure of the city council, does not limit the powers of such council to removals for cause only, and is not in violation of the Constitution, § 160, requiring the General Assembly to prescribe "the manner in and causes for which they (officers) may be removed from office." *London vs. City of Franklin*, 25 R. 2306.

(6) An office created by the city council may be abolished by it. *Williams vs. City of Newport*, 12 Bush 438. See *Frankfort, etc., vs. Brawner, etc.*, 100 Ky. 166; 18 R. 684.

(7) The last clause of this section does not apply to mere clerks, employes, or laborers, whose employment may be made in such manner as the council may designate. *Lowry vs. City of Lexington*, 24 R. 516, 113 Ky. 763.

required to be otherwise elected or appointed, shall be elected by the general council in joint session upon joint *viva voce* vote, subject to removal at any time by said general council. (*Vacancies filled by mayor, Sec. 3108.*)

§ 3050. EXTENSION OF LIMITS—RULE WHEN ANOTHER TOWN OR CITY IS INCLUDED.—The city may, at any time or times, extend its limits by ordinance, specifying with accuracy the new line or lines to which it is proposed to extend such limits. All courts in this State shall take judicial notice of the limits of said city when thus extended, and of all the steps in the proceedings leading thereto; *Provided*, That should said city, by such extension of its territorial limits, include any portion of any incorporated city, town or village, such extension shall be made to include the whole territory of such incorporated city, town or village, and upon such extension being made, the corporate existence of such incorporated city, town or village so included in such extension shall *ipso facto* cease, and all property and rights of every kind and nature belonging to and vested in such incorporated city, town or village shall, by operation of law, at once pass to and vest in the city, and it shall be the duty of all officers and employes of such incorporated city, town or village, having custody or control thereof, to surrender and deliver the same to the city, and the city shall also, by operation of law, assume and become liable to pay all debts and liabilities of such incorporated city, town or village; *Provided further*, That before the city shall extend its limits so as to include any incorporated city, town or village, four-sevenths of the qualified voters of the incorporated city, town or village voting, so desired to be included within the limits of the city, shall vote in favor of such proposition, at the next general election to be held. The submission of the question

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§ 3050. (1) *Extension of boundaries.*—The annexation of territory to cities relates to their “organization and government” within the Constitution of Kentucky, § 156, providing for the classification of cities for that purpose, and the laws in relation to the annexation of territory

to cities of the various classes may differ. Lewis vs. Town of Brandenburg, 105 Ky. 14; 20 R. 1011.

(2) When the territory sought to be annexed is connected, though upon different sides of the town, the residents of the territory are not entitled to have the questions of an-

shall be determined in the following manner, to-wit: Whenever the city shall desire to include within its limits any incorporated city, town or village, the mayor of the city shall inform the mayor or other chief officer of the incorporated city, town or village proposed to be so taken in, of the intention to include said city, town or village proposed to be so taken in, of the intention to include said city, town or village within its limits; and if four-sevenths of the qualified voters voting at such election shall vote in favor of the proposed extension, the mayor or other chief officer of the incorporated city, town or village shall certify the result to the mayor of the city, and said city may proceed to so extend its limits as provided in this section.

§ 3051. NEW WARDS IN ANNEXED TERRITORY — QUALIFICATION OF VOTERS.—Whenever, by extension of its territorial limits as aforesaid, the new territory is annexed to the city, the general council shall, by ordinance, organize the same into a new ward or wards, or attach the same to some existing ward or wards, long enough before the next ensuing general city election to enable electors in such annexed territory to register, and all other proper steps to be taken according to law, so that the electors in such annexed territory may have full opportunity to register and vote

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nexion of territory on different sides of the town considered as separate propositions. *Id.*

§ 3051. (1) Failure to assign annexed territory to a ward in the city does not deprive residents of the territory of any of their political rights. *Specht vs. City*, 22 R. 699.

(2) One who had resided in territory annexed to a city for three years immediately preceding the annexation at once became eligible to a city office, under a provision of the city charter requiring a residence of three years in the city in order to render one eligible to office therein. *Gibson vs. Wood*, 105 Ky. 740; 20 R. 1547.

(3) The citizens and property included in the territory annexed are liable for all the burdens, in the form of taxation, imposed upon the residents of the annexing city. *Pence vs. City of Frankfort*, 101 Ky. 534, 19 R. 721; *Board, etc., vs. Scott*, 19 R. 1068, 101 Ky. 615; *Town of Central Covington vs. Park*, 21 R. 1847. Liable for street improvements, *Barber A. P. Co. vs. Gaar*, 24 R. 2227; *Duker vs. Barber A. P. Co.*, 25 R. 135.

(4) A county road taken into a city by annexation of territory became a city street without formal action on the city's part. *City of Louisville vs. Brewer's Administrator*, 24 R. 1671.

at such election. Actual residents of any territory at the time of the annexation thereof, as aforesaid, shall, if otherwise qualified, be qualified electors of the city, and be eligible to any office therein at the next general election following such annexation.

§ 3052. EXTENSION OF LIMITS — HOW MADE — ELECTIONS TO DETERMINE.—Whenever it shall be deemed necessary under the provisions of this act to extend the boundaries of the city, such boundaries shall be extended and designated by clearly defined metes and bounds, and the same shall not be extended by general, horizontal or parallel lines, nor in all directions at the same time, but shall be so extended, as public necessity demands, in such manner as to include, so far as may be practicable, only such territory as may be thickly built upon, inhabited, and needing municipal government, to the exclusion of lands occupied and used for agricultural purposes; *Provided further*, That whenever the territory proposed to be annexed shall not be a city, town or incorporated village, the question of annexation shall be submitted to the qualified voters thereof, at an election to be held for that purpose (public notice whereof having been given by the mayor of said second-class city not less than thirty days before said election), of the time and places of holding such election, and the purpose for which it is so held; said election to be governed by the general laws in respect to the holding of general elections. The result having been canvassed according to law, and four-sevenths of the qualified voters of said territory voting at said election having voted in favor of annexation, the mayor of said city of the second class shall make proclamation thereof, and said territory shall then become a part of said city.

§ 3053. REDISTRICTING OR CHANGE IN BOUNDARY OF WARDS.—When the corporate limits of the city shall be so extended, and whenever and as often as the population of the city, or of any ward or wards thereof, has been or may be so increased or diminished as to render, in the opinion of the general council, a division or redistricting of the corporations into wards, or a change in the boundary of any ward or wards, necessary, the same shall be done by ordinance.

§ 3054. PUBLICATION OF ORDINANCE EXTENDING LIMITS.—Upon any ordinance, either for extending the limits of the city,

or for making any change or changes in the wards of the city, being introduced into either board of the general council, the latter shall, before the passage thereof, by resolution, require the city clerk to publish a copy of the ordinance in the official newspaper of the city, for at least three weeks within the four weeks next after the passage of such resolution. After such publication, proof thereof shall be made and filed with the city clerk, and if the board into which said ordinance may have been introduced shall be satisfied that such publication has been made, it shall, by a vote, so find, and the city clerk shall make a record of such finding in the journal of the current proceedings of that board, which record shall be conclusive evidence of the truth of the facts so found; should said ordinance be amended in either board after such publication, then the ordinance, as amended, shall be again published for the same time, and proceeded with in all respects as in case of the original ordinance. If such ordinance is passed by the general council at the first or second regular meeting after such last publication and finding, and not later, and duly approved by the mayor, the same shall be in force until repealed or altered.

§ 3055. REDISTRICTED OR CHANGED WARDS — QUALIFICATIONS OF VOTERS.—In case of redistricting or division of the city into wards, or change of boundary of any ward or wards, every qualified elector residing in any ward at any general city election next thereafter, duly registered, shall be a qualified voter of such ward; and nothing in this charter contained shall be so construed as to prevent any elector from voting or being eligible to any office, by reason merely of such redistricting or division, or creation of any new ward or wards, or change in the boundary of any ward or wards.

§ 3056. REDISTRICTING OR CHANGE OF WARDS — WHEN NOT TO BE MADE.—There shall not be a redistricting or division of the city into wards, or change of boundary of any ward or wards, within two months next preceding any general city election.

§ 3057. TERRITORY OF WARDS — EQUALITY IN POPULATION.—All wards which may be established by ordinance, as aforesaid, shall be composed of adjacent and compact territory, and the several wards, at the time of redistricting, shall contain as nearly

an equal number of inhabitants as may be practicable. The wards shall be numbered conveniently from one up to the highest number thus established.

#### SUBDIVISION IV.—(a) GENERAL POWERS.

§ 3058. GENERAL COUNCIL—ORDINANCES AND POWERS OF COUNCIL GENERALLY.—The general council shall have power by ordinance—

i. *Quarantine and health—quarries—stone, gravel and sand—nuisances.*—To establish and enforce quarantine laws and regulations, to prevent the introduction and spread of contagious diseases in the city, and within two miles thereof, and to provide

##### § 3058. SUB-SECTION I.

(1) Pest house—establishment of removal of patients to—board of health. Hengehold vs. City of Covington, 22 R. 462. See Kentucky Statutes, § 3909, as to location of pest house, and Kentucky Statutes, § 4607, as to smallpox.

(2) A city, in confining a person afflicted with a contagious disease in a pest house, performs a governmental function, and, in the absence of an express statute, is not liable for injuries resulting to such person from the unhealthy condition of the place of confinement. Having vs. City of Covington, 25 R. 1617; Twyman's Administrator vs. Board of Councilmen of Frankfort, 25 R. 1620.

(3) The location of a pest house by a city will not be enjoined, unless there has been a clear abuse of discretion. City of Paducah vs. Allen, 20 R. 1342.

(4) Liability of city for damages from location of pest house. City of Henderson vs. Clayton, 22 R. 283; City of Henderson vs. O'Halaran, 24 R. 995.

(5) A city is not liable for injury to property resulting from its failure to enact and execute ordinances for the prevention of a nuisance, as the failure of a city to discharge its political duties does not render it liable. Arnold vs. City of Stanford, 113 Ky. 852, 24 R. 626.

(6) A city is not liable for permitting a nuisance to exist on private property within its limits. Board of Councilmen of City of Frankfort vs. Commonwealth, 25 R. 311; City of Georgetown vs. Commonwealth, 24 R. 2285; James' Administrator vs. Trustees of Harrodsburg, 85 Ky. 191, 18 R. 899.

(7) A city ordinance providing a punishment for maintaining a nuisance is not admissible as evidence for the city in a prosecution against it for suffering a nuisance. Newport vs. Commonwealth, 21 R. 1591.

(8) As to powers pertaining to board of health and health officers, see Hengehold vs. City of Covington, 22 R. 462; Riffe vs. Frisby, 20 R. 281, and see Kentucky Statutes, §§ 2059, 2060.

for the destruction of all diseased or deleterious articles of food or drink; to establish and maintain public hospitals within or without the city, and to that end may condemn property therefor, or to contract with others for such purposes; to regulate hospitals, infirmaries, etc., within the city, and to secure the general health of the inhabitants by any necessary measure; to regulate or prohibit stone quarries and quarrying of stone, sand, gravel or loam; to provide for the erection, management and regulation of slaughter-houses, and to regulate the slaughtering of animals; to regulate and prevent the driving of stock through the city or any part thereof; to prohibit, remove and regulate the erection or maintenance of soap factories, stock-yards, slaughter-houses, pig pens, cow stables, dairies, coal-oil and vitriol factories, and all other factories which the general council may, by ordinance, declare to be nuisances, within prescribed limits of the city, and within two miles thereof; to regulate or prevent the carrying on of any business which may be dangerous or detrimental to the public health, or the manufacturing or vending of any articles deleterious to the health of the inhabitants; to declare, prevent and abate nuisances on public or private property, and the causes thereof; and the mayor, whenever in his opinion a nuisance exists on public or private property, or whenever a nuisance has been so declared by ordinance, is authorized to abate and remove such nuisance and the cause thereof in a summary manner, at the cost of the owner or occupant of the premises where the nuisance or the cause thereof may be, and for that purpose may enter upon and take possession of any premises or property where such nuisance may exist or be produced; to constitute a board of health, and elect or appoint necessary health officers.

2. *License tax on occupations, exhibitions — suppression of illegal business.*—To license, tax and regulate undertakers, auc-

#### SUB-SECTION 2.

(1) The State may delegate its power to tax or grant licenses to a municipal corporation within the limits of such corporation. Kniper vs. City of Louisville, 70 Ky. (7 Bush) 599.

(2) A tax, in the form of a license fee, may be imposed under legislative authority upon any trade, profession or calling; and while such a tax must be levied on all alike in the same profession, it is not essential to its validity that every calling

tioneers, grocers, merchants, bakers, dealers in, venders and deliverers of breadstuffs, retailers, hotels, inns, innkeepers, coffee-houses, saloons or wholesalers of spirituous, vinous or malt liquors, boarding-houses, tenement-houses, office buildings, public buildings, public sales, public grounds, concerts, photographers, artists, agents, posters, runners, drummers, plumbers, public lecturers, public meetings and shows, real estate agents and brokers, financial agents and brokers, commission merchants, house agents, lightning rod agents, rental agents, claim agents, sewing machine agents and solicitors for nurseries, sewing machine companies, brewer's agents, advertising agents, loan and brokerage com-

within a particular locality shall be required to pay the tax. Bullitt vs. City of Paducah, 8 R. 870; Rankin vs. City of Henderson, 9 R. 861; Hall vs. Commonwealth, 101 Ky. 382; 19 R. 578.

(3) Legislature can not impose taxes on municipalities for purely local concerns, but may authorize them to impose such taxes. McDonald vs. City, 24 R. 271.

(4) Cities can not substitute a license tax for the ad valorem system. Levi vs. City of Louisville, 97 Ky. 394; 16 R. 872; Newport Light Co. vs. City of Newport, 14 R. 464; City of Frankfort vs. Gaines, 88 Ky. 59; 10 R. 902; City of Newport vs. S. C. & C. Ry. Co., 89 Ky. 29; 11 R. 319.

(5) A town ordinance requiring all transient persons to pay a license tax for the privilege of selling goods or merchandise of any kind at auction or retail in the town is unconstitutional and void, because it discriminates against the residents of other States. McGraw vs. Town of Marion, 98 Ky. 673; 17 R. 1254; Daniel vs. Trustees of Richmond, 78 Ky. 542; 1 R. 256.

(6) A city ordinance which, in fixing license fees, discriminates between dealers whose products are manufactured outside of the city and those whose products are manufactured inside the city is void and unconstitutional. Jung Brewing Co. vs. City of Frankfort, 100 Ky. 409; 18 R. 855.

(7) A license imposed upon an attorney by an ordinance passed under a section of the charter of cities of the first class similar to this was upheld in Elliott vs. City of Louisville, 101 Ky. 262, 19 R. 414, the court saying "that it must be regarded as merely the imposition of a tax upon the vocation or business of an attorney at law."

(8) An ordinance of the city of Lexington imposing a license tax of \$10 on each attorney at law practicing in the city, and a penalty of \$15 for failure to pay the same, is valid. Baker vs. City of Lexington, 21 R. 809; Evers vs. Mayfield, 27 R. 481.

(9) A provision in a city charter authorizing the council "to license and tax all agencies of insurance offices" gives the council the power

panies, merchandise brokers, produce brokers, railroad ticket brokers, amusement ticket brokers, lumber brokers, bill posters, junk dealers, second-hand dealers, coal dealers, ice dealers, ice cream dealers, milk dealers, grain elevators, cycloramas, panoramas, skating rinks, storage and transfer houses, nurserymen, pedestrian exhibitions, wrestling exhibitions, private detectives, private detective agencies, horse and cattle dealers, patent right dealers, inspectors and gaugers, stock-yard and wagon-yard proprietors, laundries, examiner of titles, conveyancers, mercantile agents, insurance companies, lawyers, physicians, insurance agents, brokers, bankers, banking and other corporations and institutions,

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to compel each agent to pay a separate tax for each company represented by him. *Simrall & Co. vs. City of Covington*, 90 Ky. 444; 12 R. 404.

(10) An ordinance of a city imposing a tax on a liveryman is not invalid because it was passed for the purpose of raising revenue, as such tax is authorized by § 3058, Kentucky Statutes, and § 181, Constitution. *Wilson & Bro. vs. City of Lexington*, 20 R. 1593, 1980; 105 Ky. 765.

(11) This section does not authorize an ordinance imposing license upon vehicles not used or let for hire. *City of Covington vs. Woods*, 98 Ky. 344; 19 R. 927.

(12) Wagons used by coal merchants in delivering coal, not within the meaning of a city ordinance, providing that it shall be unlawful for any person to run "for fee or reward any hackney carriage, dray, sprinkler, wagon or other vehicle." *City of Henderson vs. Marshall*, 22 R. 671.

(13) An ordinance requiring tax fees for using horses and wagons for hauling embraces one who keeps

horses and wagons for hauling, whether he drives himself or hires drivers. *Swetman vs. Covington*, 26 R. 701.

(14) This section, authorizing cities of the second class to levy a license tax on "real estate agents and brokers, house agents, rental agents, loan and brokerage companies," and a city ordinance levying a license tax of \$25 on real estate agents, so defined as to include all these classes, are not unconstitutional, though several occupations are grouped under one head. *City of Covington vs. Herzog*, 25 R. 938.

(15) Constitutionality and validity of certain license ordinances. *Crosdale vs. City of Cynthiana*, 21 R. 36; *Burch vs. City of Owensboro*, 18 R. 284; *Bullitt vs. City of Paducah*, 8 R. 870; *Adams Express Co. vs. City of Owensboro*, 85 Ky. 265, 8 R. 908; *Commonwealth vs. Pearl Laundry Co.*, 105 Ky. 259, 20 R. 1172; *Bitzer vs. Thompson*, 105 Ky. 514, 20 R. 1318; *Figg vs. Thompson*, 105 Ky. 509, 20 R. 1322; *Gast vs. Buckley*, 23 R. 992; *Bitzer vs. Buckley*, 23 R. 2420.

(16) Amount of the license left

telegraph, telephone and district messenger companies or corporations or institutions, street railroad companies or corporations, livery, board, feed and sale stables, hansoms, cabs, hackney coaches, carriages, barouches, buggies, wagons, ~~omnibus~~, carts, drays, job wagons, and all other vehicles, ~~following the streets~~ or let for hire, lenders of money on chattels or chattel mortgages, and regulate the width of the tires of all vehicles for heavy transportation; to license, tax, regulate or suppress ordinaries, hawkers, hucksters, peddlers, auction houses and the keepers and occupants thereof, brokers, pawnbrokers, money changers, intelligence and employment offices and the keepers and occupants thereof, public masquerade balls, street exhibitions, dance houses, fortune tellers, clairvoyants, pistol galleries, itinerant doctors and doctresses, corn doctors, private and venereal hospitals, museums and menageries, magnifying glasses, for use of which charge is made, billiard tables and pool tables, other tables and instruments used for public amusements, circuses, operatic, theatrical and other exhibitions, shows and amusement saloons, coffee-houses, beer-houses, tippling-houses, dram-shops, money-brokers, equestrian performances, horoscopic views, lung testers, muscle developers, pin alleys, ball alleys, shooting galleries, and to suppress bawdy and disorderly houses, houses of ill fame and assignation, prize-fights, coon-fighting, dog-fighting, cock-fighting, chicken-fighting, gaming and gambling houses, and to destroy instruments of gaming; to provide for and enforce the registration of births, marriages and deaths; to prohibit sale, distribution or giving away, directly or indirectly, of lottery tickets and notices, circu-

to the discretion of the city council. Hell vs. Commonwealth, 101 Ky. 382; 19 R. 578.

(17) An ordinance imposing a penalty for failure to take out a license, payment of the penalty not discharging the claim for the license tax, is not an adequate remedy for the collection of the tax. Where ordinance provides no adequate procedure for collection, the city may maintain an action as for debt. City

of Lexington vs. Wilson, 26 R. 81.

(18) Refunding or recovering.— Money paid to a city as a license fee may be recovered to the extent that it exceeded the amount which the city was entitled to exact. Board of Council of Harrodsburg vs. Renfro, 22 R. 806. See, also, Trustees of Town of Stanford vs. Hite, 2 R. 386; City of Maysville vs. Melton, 102 Ky. 17, 19 R. 1033; Bean vs. City of Middlesboro, 22 R. 415.

lars and advertisements of lotteries and lottery drawings, and to suppress places where lottery tickets, notices, circulars and advertisements of lotteries and lottery drawings are kept, sold or distributed or given away; to license, tax and regulate all occupations, professions and trades not heretofore enumerated, of whatsoever name or character; to license, tax and regulate hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations with or without vehicles, and to license, tax, restrain or prohibit runners for cars, stages, hotels and public houses.

3. *Levy, assessment and collection of taxes.*—To provide for the levying, assessment and collection of taxes, as provided in this act, upon all property made taxable for State purposes within the limits of the city, and not exempted by general law from municipal taxation.

4. *Water supply.*—To provide the city with water; to make, regulate and establish public cisterns, hydrants and reservoirs, in or under the streets within the city, or beyond the limits thereof,

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#### SUB-SECTION 3.

(1) See notes to §§ 3174 and 3175.

(2) If, in the absence of any compromise, one pays tax under the belief that it is valid, and when it is being demanded and compulsory collection threatened, such payment is involuntary, and if the taxation be in fact void, the taxpayer may recover back his money. *Torbett vs. City of Louisville*, 9 R. 202.

(3) Taxes are not debts; and in an action to enforce their collection each step that is required to be taken to constitute a valid assessment and levy must be specifically pleaded. *City of Louisville vs. Louisville Gas Co.*, 15 R. 177.

(4) When a city sells its gas plant, and the buyer contracts to light the city's streets for a certain sum, in consideration whereof the city agrees to pay any city taxes assessed on the

gas plant, it does not constitute an exemption from taxation, and the contract is enforceable. *Board of Councilmen of Frankfort vs. Capital G & E. L. Co.*, 16 R. 780.

(5) Under Constitution, in force in 1888, city, though empowered to contract with water company, had no authority as part consideration thereof to grant company exemption from taxation. *City of Dayton vs. Bellevue Water and Fuel Gaslight Co.*, 24 R. 194.

(6) Contract exempting a street car company from taxation was unauthorized. *S. Cov. Ry. Co. vs. Town*, 105 Ky. 283, 20 R. 1184; and see 23 R. 390.

#### SUB-SECTION 4.

(1) See *Patch vs. City of Covington*, 17 B. M. 722, and notes to §§ 3058, sub-section 22 and to § 3143.

(2) When a town, pursuant to

for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water, and to compel any water company, corporation or individual to change or re-locate any water main or pipe.

5. *Bridges, culverts and sewers—water courses.*—To acquire, establish, erect and maintain bridges within the city, and from the city across any river, water course, etc., bounding the city; and may, until said bridge shall have been paid for, charge toll for crossing same, and may do so jointly with any municipality on the opposite side of such river, water course, etc.; to establish, erect and maintain and regulate the use of culverts and sewers; to establish, alter, deepen and change water courses, natural and artificial, to change channel of the same, and to wall them up and cover the same.

6. *Lights for streets, public places and buildings, and inhabitants.*—To provide, by themselves or through others, for lighting

authority conferred by its charter to contract with a water company for water for extinguishing fires "for such time and upon such terms" as might be agreed upon, contracts with a water company for the use of fifteen water plugs for five years, with the privilege to continue the contract for fifteen years if it should "elect to do so," the failure of the town to continue the contract at the end of five years does not render it liable for losses by fire resulting from the failure to have the water plugs supplied with water. *Sandusky vs. City of Central City*, 22 R. 669.

(3) Rights and liabilities under contracts with private water companies. *City of Louisville vs. Louisville Water Co.*, 105 Ky. 754; 20 R. 1529; *Owensboro Water Co. vs. Duncan's Administrator*, 17 R. 755; *Harrodsburg Water Co. vs. City of Harrodsburg*, 24 R. 2193; *Franke vs.*

*Paducah Water Supply Co.*, 88 Ky. 467, 11 R. 17.

#### SUB-SECTION 5.

(1) An ordinance of a city providing for the construction of a sewer system, and appointing certain persons to superintend its construction, employ a sanitary engineer, advertise for and receive bids, fixing such restrictions and limitations as they might determine, not being required to report to the council which, in their judgment, the city should not accept, was an invalid delegation of power, delegated to the council by this provision "to establish, erect and maintain sewers." *Lowery vs. City of Lexington*, 25 R. 392.

#### SUB-SECTION 6.

(1) A contract between a city and a light company granting to the latter the exclusive use of the streets for a term of years, for the purpose

the streets, public places and buildings, and furnishing light to the inhabitants, and to regulate the quality and quantity of the light, and the method, time of, and appliances for furnishing of the same. To compel any and all light companies, or persons furnishing light, to change and re-locate gas mains or pipes, or poles, electric wires and conduits for electric wires, to place those above the surface of the ground under it, to change the method of conveying the light, and generally to do things conduced to the safety and comfort of the inhabitants in the premises.

7. *Market-houses and other buildings.*—To provide for the erection and maintenance of market-houses, and all needful build-

of laying pipes to supply gas to the city, and providing that the company may adopt any other mode equal to gas for supplying light to the city and its inhabitants, provided the same shall be done at no greater cost to the city than the gas light, does not give to the light company the right to use the streets of the city for the erection of appliances necessary for the introduction of electric lights. In case of the introduction of a light other than gas requiring a different use of the streets, the consent of the city to such new use is necessary. City of Newport vs. Newport Light Co., 89 Ky. 454; 11 R. 840.

(2) When a municipality has the power by legislative grant to erect and maintain gas works, it has the implied power to contract with others to furnish gas, and may, therefore, by contract, grant to a corporation the exclusive right to the use of its streets for that purpose for a term of years.

Injunction is a proper remedy to prevent a city which has, by contract, conferred such a privilege, from conferring a like privilege

upon another corporation. City of Newport vs. Newport Light Co., 84 Ky. 166; 8 R. 22.

(3) Acquisition of existing gas works—under option to purchase—option may be transferred—how value estimated. Covington Gas Light Co. vs. City of Covington, 22 R. 796.

(4) See notes to § 3068, as to granting of franchises under present constitution.

#### SUB-SECTION 7.

(1) While public policy forbids a contractor from asserting his statutory lien against public improvements or the enforcement of it by a sale of the property, yet a subcontractor may assert a lien so as to affect and reach moneys in the hands of public authorities in lieu of the improvements there involved. Noonan vs. Hastings, etc., 101 Ky. 372; 19 R. 485.

(2) A city council, under a statute giving it general power to establish market places and provide for their regulation, passed an ordinance establishing a market place, fixing the market hours, and prohibiting the

ings for the use of the city; to provide for the government and regulation of markets, market places and meat shops, and the amount of license tax to be paid therefor.

8. *Inspection of meats and other provisions—engrossing.*—To restrain and punish engrossing, forestalling and re-grating; to regulate the inspection and vending of flesh, fish, meats, poultry, fruits, vegetables, butter, lard and other provisions, and the place and manner of selling and inspecting the same.

9. *Public grounds.*—To provide for inclosing, improving and regulating all grounds belonging to the city.

10. *Intoxicating liquors—regulation of.*—To restrain, regulate and prohibit the selling or giving away of any spirituous, vinous or malt liquors by any person within the city, other than

sale of fresh meat in the city in less quantities than by the quarter at any other than the market place during the market hours. *Held*, That the regulation was not unreasonable, oppressive, nor against public policy. City of Bowling Green vs. Carson, 73 Ky. (10 Bush) 64.

(3) The city of Louisville has the power to prohibit its citizens, by the infliction of penalties, from selling at market articles not the produce of the seller. City of Louisville vs. Roupe, 45 Ky. (6 B. Mon.) 591 (year 1846).

#### SUB-SECTION 8.

(1) By statute of 1840 the mayor and aldermen of the city of Louisville are authorized to define by ordinance the offense of forestalling, and to impose fines and penalties to suppress the same. The tenth section of the ordinance made in pursuance of the statute prohibited the sale and offer for sale within any of the market houses, during market hours, of articles of provision, or other kinds of marketing, which

were sold, purchased, or forestalled at any place within the city. *Held*, That the acts prohibited by the ordinance constituted the offense of forestalling and the definition of it within the meaning of the statute. City of Louisville vs. Roupe, 45 Ky. (6 B. Mon.) 591.

#### SUB-SECTION 10.

(1) A city ordinance fixing a certain fee for license to sell liquors on any street other than Main street, and fixing a larger fee for license to sell on that street, is invalid, to the extent that it discriminates against business conducted on Main street, being to that extent special legislation. Board of Council of Harrodsburg vs. Renfro, 22 R. 806.

(2) Mandamus to compel issuance of license. See Carey vs. Trustees of Town of Butler, 6 R. 744; Riley vs. Rowe, 112 Ky. 817, 23 R. 2168.

Where the board of council of a city of the fourth class arbitrarily and wrongfully refused to grant a license for the sale of intoxicating liquors therein, mandamus was the

those duly licensed; to forbid and punish the selling or giving away of any spirituous, vinous or malt liquors to any woman, minor or habitual drunkard.

II. *Weights and measures—inspection of elevators, burning fluids, and other goods and provisions.*—To establish and regulate the standard of weights and measures to be used in the city, and to provide for the inspection of all weights and measures, and to compel dealers in all kinds of coal to weigh the same on public scales, and to establish, license, tax and regulate public scales, and the charges for the use of the same; to make provisions for the inspection and measurement of lumber and other building material, for the inspection of elevators, steam boilers, and all steam heating apparatus, and to license engineers and others using steam boilers or other steam apparatus in said city, and for the inspection of beef, pork, meal, oil, coal-oil, naptha, benzine and other burning fluids; molasses, syrups, turpentine, vinegar, beer, ale, wines, whisky, rum, brandy and other spirituous, vinous or malt liquors in barrels, hogsheads or other vessels; for the inspection and weighing or measuring hay, coal, charcoal, fire-wood, and all other kinds of fuel to be used in the city; for the inspection of butter, cheese, milk, lard and all other provisions; for regulating the weight and quality of bread; *Provided*, That nothing herein shall be so construed as to authorize an inspection of any article enumerated in this subdivision which is to be shipped beyond the limits of the city, except at the request of the owner thereof; to inspect and regulate house drainage and sewer connections.

proper remedy to compel them to grant the same. C. B. George & Bro. vs. City of Winchester, 26 R. 170.

(3) A city ordinance declaring that it shall be unlawful for any woman to go in and out of a building where a saloon is kept for the sale of liquors, or "to frequent, loaf, or stand around said building within fifty feet thereof," and providing for the punishment of any saloon-keeper who shall permit a violation of that provision of the ordinance,

is void, as being an unreasonable interference with individual liberty. Gastenau vs. Commonwealth, 108 Ky. 473, 22 R. 157.

(4) Application to wholesale dealers, see Cofer vs. Commonwealth, 27 R. 934.

#### SUB-SECTION II.

(1) According to the standard in use in the United States custom houses, and adopted by the law of Kentucky, the bushel contains

12. *Riots, routs and unlawful assemblages—nuisances.*—To restrain and prevent any riot, rout, noise, disturbance or disorderly assemblage; the playing of ball or any other amusements or practice dangerous or annoying to persons or property, or tending to frighten horses or teams, in any street, house or place in the city, and to regulate or prohibit the running at large of cattle, cows, hogs, goats, and all other animals within the limits of the city, and to authorize the impounding and sale of the same; to restrain and prohibit the ringing of bells, blowing of horns, bugles or steam whistles, crying of goods, and all other noises, performances and practices tending to the collection of persons on the streets and sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise; to prevent and remove all obstructions and encroachments upon or over the side-

2150.42 cubic inches. *Caldwell vs. Dawson*, 61 Ky. (4 Met) 121.

(2) For standard weights and measures see Kentucky Statutes, § 4815, *et seq.*

#### SUB-SECTION 12.

(1) There exists no principle of law which subjects a municipal corporation to responsibility for injuries to property in its territorial limits by a mob.

The officers of a city are quasi civil officers, and are responsible for malfeasance or non-feasance in office; but the corporation is not responsible. *Prather vs. City of Lexington*, 13 B. M. 559.

But see § 8, Kentucky Statutes, and *Higgins vs. Town of Crab Orchard*, 7 R. 675; 8 R. 112; 9 R. 404; 11 R. 237; *City of Henderson vs. Pargny*, 15 R. 745; and the following: An assemblage of one thousand people in the main street of a city, obstructing the use of the street, discharging bombs, skyrockets, etc.,

endangering life, is a "riotous or tumultuous assemblage of people," within Kentucky Statutes, § 8, making any city liable for injury to property by such an assemblage where the city had notice of the danger and the ability to prevent the danger; and this is true though the persons composing the assemblage were celebrating Christmas, and were not bent on evil. *City of Madisonville vs. Bishop*, 113 Ky. 106, 23 R. 2363.

(2) Nuisances in general. See *Beyd vs. Board of Councilmen of City of Frankfort*, 25 R. 1311.

(3) A town ordinance to restrain animals from running at large within the corporate limits, applies to animals belonging to persons residing without the limits of the corporation. *McKee vs. McKee*, 47 Ky. (8 B. Mon.) 433.

(4) Trustees having passed an ordinance subjecting owners of unruly or dangerous animals to a fine for permitting them to go at large, it was not part of their duty to keep

walks, curb-stones, carriage-ways, streets, avenues and alleys at the expense of the owners or occupants of the ground fronting on same.

13. *Protection of city's rights.*—To take all needful steps, in or out of the State, to protect the rights of the city in any corporation in which the city may acquire an interest.

14. *Support of insane and inebriates.*—To provide for the support, maintenance and confinement of idiots; insane persons and inebriates, and to make suitable provision for the maintenance and support of poor persons.

15. *Enumeration of inhabitants.*—To provide for the enumeration of inhabitants of the city for any purpose whatever.

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the streets free from such animals.  
Pearce vs. City of Lancaster, 1 R. 412.

(5) A city ordinance authorizing the seizure and sale of hogs running at large, without any judicial determination of a forfeiture, is invalid, and an order of the city court directing such seizure and sale is no protection to the officer making it. Gallagher vs. Wooster, 4 R. 256. See Varden vs. Mount, 78 Ky. 86.

(6) The owner must have an opportunity of asserting his rights; if possible, personal service of summons should be had upon him, but if he is not known or is beyond the jurisdiction of the court, it is sufficient that the procedure be *in rem*. Gentry vs. Little, 16 R. 26. See also Denham vs. Anderson, 14 R. 366; 391.

(7) Under provisions of act governing cities of the fifth class, an ordinance authorizing the sale, on ten days' published notice, of hogs found running at large and impounded, is valid, though the notice does not correspond to the process prescribed by the Civil Code.

Thompson vs. Millen, 24 R. 2479.

(8) Obstructions upon street. See notes to § 3094.

(9) Injunction was issuable to restrain party fencing in an alley. Alexander vs. Tebeau, 24 R. 1305.

(10) Party specially damaged thereby may bring suit for the removal of obstructions in street, though suit brought by the city for removal thereof is pending. Bourbon Stockyard Co. vs. Woolley, 25 R. 477.

#### SUB-SECTION 14.

(1) While the care of the indigent poor, generally, is given over to the counties and cities, the State is not thereby precluded from exercising some part of the same power in some other proper way. Auditor vs. Kentucky Children's Home Society, 26 R. 1133.

#### SUB-SECTION 15.

(1) For the purpose of determining the population, and so the limit of indebtedness, a city may take a census pursuant to an ordinance, though a federal census has been taken two months before; especially

-16. *City prison, work-house and other buildings—purchase and sale of property.*—To establish, erect and maintain a city prison, a work-house, a house of correction, a house of refuge, and all other municipal buildings; make all needful regulations, and appoint all proper persons and assistants therefor; to purchase, rent or lease, within the limits of the city, or elsewhere, any real or personal property for the use of the city, and to control, manage, improve, sell, lease or otherwise dispose of the same, for such purposes and considerations as they may deem proper for the public welfare.

17. *Fast riding or driving—standing of animals or vehicles—driving heavy vehicles—abuse of animals.*—To prevent, prohibit or suppress horse-racing, immoderate driving or riding within the streets, and to authorize any person to stop any such person immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to prevent the hitching of any animal on any particular street or streets; to prescribe the manner, and limit the time of standing animals and vehicles attached to animals in any street or streets, and to forbid large and heavily loaded vehicles from passing along particular street or streets.

18. *Vagrants, beggars, gamblers and prostitutes.*—To restrain and punish vagrants, mendicants, street beggars, gamblers

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where territory has been added in the meantime. Lancaster vs. City of Owensboro, 24 R. 1978, 2249.

#### SUB-SECTION 16.

(1) Donation by second-class city of money to aid in erection of State houses of reform is upheld. Board of Trustees vs. City of Lexington, 23 R. 1470.

(2) Under this section and § 3038, *Held*, That the acquisition of land for a public park was for a municipal purpose, and authorized. City of Lexington vs. Kentucky Chautauqua Assembly, 24 R. 1568.

#### SUB-SECTION 18.

(1) A city ordinance forbidding the transmission to a pool-room operator of messages intended to be used in the business of pool selling in the city is a valid exercise of the police power of the State. City of Louisville vs. Wehmhoff, 25 R. 995.

(2) Kentucky Statutes, § 3490, providing that the board of council of a city of the fourth class shall have the power to pass ordinances "to restrain and punish" prostitutes, authorized a city ordinance providing for the punishment of any prostitute being on the streets of

and prostitutes, and define who shall be considered and treated as vagrants.

19. *License and tax of dogs—dogs running at large.*—To license, tax, regulate or restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and impose penalties on the owners or keepers thereof.

20. *Control of railways, poles, wires, bridges, in the streets.*—To direct and control the laying and construction of steam, electric, street or other railroad tracks, bridges, turnouts and switches, poles, wires, apparatus and appliances in the streets and alleys, and the location of depot grounds within the city; to require that bridges, turnouts and switches shall be so constructed and laid as to interfere as little as possible with ordinary travel and the use of the streets and alleys, and that sufficient space shall

the city between the hours of 7 o'clock P. M. and 4 o'clock A. M. following, "except in instances of reasonable necessity." Dunn vs. Commonwealth, 105 Ky. 834, 20 R. 1649. See also Hechinger vs. City of Maysville, 22 R. 486.

#### SUB-SECTION 19.

(1) An ordinance requiring the owner of a dog to apply to a city clerk to register and procure a stamped collar for each dog, and to pay a certain sum for each dog so owned and registered, to be paid into the city treasury, is not invalid; such ordinance is a license tax, and valid as a police regulation. Commonwealth vs. Markham, 70 Ky. 7 (Bush) 486.

(2) The mere fact that appellee, in consideration of the payment of a tax or license fee by the owner of a vicious dog, licensed him to keep the dog within the city limits, does not render the appellee liable for injury done to appellant by the

dog upon a public thoroughfare of the city. Lewis vs. City of Louisville, 6 R. 224.

#### SUB-SECTION 20.

(1) Without some legislative authority, a city can not authorize the construction of street railways. City may exact a bonus for the privilege of using its streets. Cov. St. Ry. vs. Cov., 9 Bush 127.

(2) A city does not yield its control of streets or the right to repair them and improve them by reason of a street railway having been laid thereon, and where the city assumes the burden of improving, it is just and equitable that the company shall be required to contribute. Newport St. Ry. Co. vs. City of Newport, 1 R. 124.

(3) The occupation and use of a street of a city or town as the site of a steam railroad does not entitle owners of the fee adjacent thereto to the center of the street to compensation, as for property taken for

be kept on either side of said tracks for the safe and convenient passage of teams and persons; to require all railroad companies to construct and keep in repair suitable crossings at the intersections of streets and alleys, ditches, sewers, culverts, and to light and guard the same; to require said companies to erect gates at certain or all street crossings; to direct the use and regulate the speed of locomotive engines, steam, electric, street or other kind of cars within the limits of the city; to prohibit and restrain railroad companies from doing any storage and warehouse business or collecting money for storage, except in cases where the consignor or consignee of goods or wares fails to remove the same within a reasonable time from the depots of such companies, and to prohibit the making of running switches.

21. *Telegraph, telephone and electric light wires.*—To com-

public use. *Elizabethtown & Paducah R. R. Co. vs. Thompson*, 79 Ky. 52; 1 R. 395.

(4) But the grantee of the use of a street must use it so as not to "prevent, obstruct or unreasonably impede the passage of persons, wagons or other vehicles." *Commonwealth vs. City of Frankfort*, 92 Ky. 149; 13 R. 705.

(5) A city has no power to grant to a railroad company the right to construct and operate a railway through its streets and alleys, unless it is expressly authorized to do so either by its own charter or by the charter of the railroad company. *Commonwealth vs. City of Frankfort*, 92 Ky. 149, 13 R. 705, 13 R. 52; *Ruttle vs. City of Covington*, 10 R. 766.

(6) An action will lie in equity by a town to compel a railroad company to maintain a proper crossing where its road crosses a public street, when the right of way through the town has been granted

on condition that it maintain proper crossings where its road crosses public streets. *Louisville Southern Ry. Co. vs. Board of Trustees of Town of Harrodsburg*, 17 R. 780.

(7) Rights in and use of highways and public places. See *Klosterman vs. Chesapeake & O. Ry. Co.*, 22 R. 192; *Koch vs. Ky. & I. Ry. & Bridge Co.*, 26 R. 216; and for a full discussion of the rights of street railways as to crossing and use of tracks of other roads, see *Louisville & N. Ry. Co. vs. Bowling Green Ry. Co.*, 110 Ky. 788, 23 R. 273; *Louisville City Ry. Co. vs. Central Pass. Ry. Co.*, 87 Ky. 223, 10 R. 125; *City of Owensboro vs. Owensboro N. & H. Co.*, 19 R. 449.

(8) An ordinance of a city of the fourth class, requiring all railroad companies to erect safety gates at certain street crossings, is authorized. *Chesapeake & O. Ry. Co. vs. City of Maysville*, 24 R. 615.

#### SUB-SECTION 21.

(1) A foreign telegraph corpora-

pel telephone, telegraph, gas and electric light companies, and all persons and corporations using, controlling or managing electric light wires for any purpose whatever, and telegraph and telephone wires, to put and keep their wires under ground, and to regulate the manner of doing the same, and the use of all such wires and connections therewith.

22. *Fire department.*—To provide for the establishment and maintenance of a fire department, and to make all needful regulations for the prevention and extinguishing of fires.

23. *Fines, forfeitures and imprisonment.*—To impose, enforce and collect fines, forfeitures and penalties for the breach of any provision of this act or any ordinance; to punish the violation

*see Keiper vs Louisville  
154 S.W. 18  
152 Ky 691*

tion engaged in interstate commerce is not entitled to construct its poles and wires on the streets of a city without payment of compensation. Postal Tel. Cable Co. vs. City of Newport, 25 R. 635.

(2) A telephone company, without municipal authority to establish and operate a telephone system, can not prevent the erection of a rival telephone plant. East Tenn. Tel. Co. vs. Anderson County Tel. Co., 22 R. 418.

(3) Until the consent of the proper legislative authority of a city or town was obtained, a telephone company could acquire no right to use the streets of a city. East Tenn. Tel. Co. vs. Anderson Co. Tel. Co., 24 R. 2358. See, also, City of Louisville vs. Wehmhoff, Note 1, § 3058, Sub-Sec. 18.

(4) Previous to the adoption of the present Constitution, a city council could not, without legislative authority, grant to any person or corporation the right to occupy the streets of the city with telephone poles and wires, that being an additional servitude. East Tenn. Tel.

Co. vs. City of Russellville, 106 Ky. 667, 21 R. 305.

(5) Rights of two companies occupying same side of street. Cumberland Telephone and Telegraph Co. vs. Louisville Home Tel. Co., 24 R. 1676.

#### SUB-SECTION 22.

(1) A municipal corporation is not liable to the owner of property destroyed or damaged by fire in consequence of its neglect to provide engines or fire apparatus. Pottinger vs. Owensboro Water Co., 4 R. 449; Patch vs. City of Covington, 17 B. M. 722; Sandusky vs. City of Central City, 22 R. 669.

#### SUB-SECTION 23.

(1) A municipal corporation is not liable for the acts of its officers in enforcing the criminal or penal laws of the Commonwealth or in enforcing penal ordinances of the city. Municipal officers, while engaged in duties relating to the public safety and in the maintenance of public order, are servants of the Commonwealth. Taylor vs. City of Owensboro, 98 Ky. 271.

of any provision of this act, or any ordinance of this city, by fines or imprisonment, or by both fine and imprisonment; and no ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense.

24. *Parks, cemeteries and public grounds.*—To prohibit and regulate the opening and vacating of parks, cemeteries, graveyards and public grounds within the city.

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(2) A municipal corporation is answerable for the damage done to any person by its officers in enforcing an unconstitutional ordinance, or by-law, enacted for the sole benefit of the corporation or its citizens. Therefore one who has been imprisoned by a town marshal for his failure to pay a fine imposed under such a void ordinance has a right of action against the town therefor. *McGraw vs. Town of Marion*, 98 Ky. 673; 17 R. 1254. Compare with *Fox vs. City of Richmond*, 19 R. 326.

(3) When a city by its agents and officers compels a party by hard labor to satisfy a fine imposed on him by a void judgment, the court not having jurisdiction of the offense, the city having received the services and appropriated them to its use, it is liable to the party for their value. *Fox vs. City of Richmond*, 19 R. 326.

(4) A city ordinance prescribing a greater penalty for an offense than that prescribed by the State Statute for the same offense is void. *Taylor vs. City of Owensboro*, 98 Ky. 271; 17 R. 856. But see *City of Owensboro vs. Sparks*, 99 Ky. 351, 18 R. 269, in which it was held an ordinance may fix a higher but not a lower penalty for a statutory offense than that fixed by statute.

(5) The provision of § 168 of our

Constitution, that "no municipal ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense," applies only to offenses for which a statutory penalty has been fixed, but not to offenses punishable only at common law. *City of Owensboro vs. Simms*, 99 Ky. 49; 17 R. 1393.

(6) The imposition of a fine by the common council of a city of the fifth class for peddling without license within the city limits in an amount less than that imposed by the Kentucky Statutes for the same offense, was not in violation of § 168 of the Constitution, the ordinance denouncing the offense and imposing the fine being purely local in its nature. *The City of Carlisle vs. Hechinger & Co.*, 20 R. 74.

(7) Conviction under an ordinance in police court for an offense not punishable by statute, such as nuisance, does not bar a conviction for same offense under indictment. *Ressess vs. Commonwealth*, 107 Ky. 139, 21 R. 789; *Lucas vs. Commonwealth*, 26 R. 740.

(8) An ordinance prescribing a less penalty for the offense of disorderly conduct than is prescribed by Kentucky Statutes, § 1268, for the offense of breach of the peace, etc..

25. *Maintenance of peace and good government.*—To pass all such ordinances, not inconsistent with the provisions of this act, or the laws of the State, as may be expedient in maintaining the peace, good government, health and welfare of the city, its trade, commerce and manufactures, and to enforce the same by fines and penalties; and any enumeration of subjects and matters herein to be regulated shall not be construed as a limitation upon this general power.

26. *Eminent domain.*—To exercise the right of eminent

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does not violate Constitution, § 168. providing that no municipal ordinance shall fix a penalty for a violation thereof at less than that imposed by the statute for the same offense, as the offenses are not the same. City of Mt. Sterling vs. Holly, 108 Ky. 621, 22 R. 358. See also Louisville & N. Ry. Co. vs. Commonwealth, 25 R. 1452; see further Orme vs. Commonwealth, 21 R. 1412; Mullins vs. City, 23 R. 436; Kehr vs. Commonwealth, 26 R. 1234.

#### SUB-SECTION 25.

(1) A government can not divest itself of police power. South Covington & Cin. Street Ry. vs. Berry, 93 Ky. 43; 13 R. 943.

(2) An ordinance requiring a street railway company to have both a conductor and a driver on each of its cars is a police regulation, and is authorized by a provision of the city charter which confers upon the council the power to pass all ordinances "that may be necessary for the due and effectual administration of right and justice in said city, and for the better government thereof," and "to cause the removal or abatement of any nuisance." South Cov. & Cin. Street Ry. Co. vs. Berry, Mayor, 93 Ky. 43; 13 R. 943.

(3) A city can not enforce its contracts by penal ordinance in cases which do not involve the morals, health or safety of the people. It must resort to the courts for relief in the same manner as individuals. City of Newport vs. Newport and Cincinnati Bridge Co., 90 Ky. 193; 12 R. 39.

(4) An ordinance expressly authorized by statute can not be declared void on the ground that it is an unreasonable and oppressive exercise of the police power. C. & O. R. R. Co. vs. Maysville, 24 R. 615.

(5) An ordinance imposing a fine for a train to remain across a street more than ten minutes, in so far as it conflicts with Kentucky Statutes, § 768, fixing same at five minutes, is void. L. & N. Ry. Co. vs. Commonwealth, 25 R. 1432-2050.

(6) For construction of this section, see Stone vs. Paducah, 27 R. 717. See further City of Mt. Sterling vs. Holly, 22 R. 621.

#### SUB-SECTION 26.

(1) When the closing up of one end of a street or alley leaves the owner of property bordering upon the street or alley no convenient reasonable means of access to other streets to which he has heretofore

domain in accordance with the general laws regulating the exercise of such right.

27. *Appropriation of money.*—To appropriate money, and to provide for the payment of the debts and expenses of the city.

§ 3059. ORDINANCES AND RESOLUTIONS—ONE SUBJECT EXPRESSED IN TITLE—AMENDMENTS.—No ordinance and no resolution shall be passed unless a majority of the members-elect in each board shall vote therefor on a *viva voce* vote, which shall be entered in full on the journals of the two boards, and until it shall have been read in each board at two several meetings, and free

had convenient access, he is entitled to his action for damage; or the corporation, whether municipal or private, seeking to appropriate the street to its own use, must resort to the writ of *ad quod damnum*, and under it compensate the owner for the injury sustained. Gargin vs. Louisville, New Albany and Chicago Ry. Co., 89 Ky. 212; 11 R. 489.

(2) If a consent order in condemnation proceedings be construed as attempting to release the title of the city to any part of the land condemned, it is void for want of authority in the city attorney to give such consent. Long vs. Louisville, 21 R. 463.

§ 3059. (1) As to reading at two several meetings, see Nevin vs. Roach, 86 Ky. 492, 9 R. 819.

(2) In order for the court to know that an ordinance was properly passed, it must appear that it was in pursuance of the charter, and to do this the facts must be stated. Trustees of Bellevue vs. Hohn, 82 Ky. 1, 5 R. 730; Dunn vs. German Security Bank, 5 R. 778.

(3) The subject embraced in an ordinance requiring attorneys, etc., to pay a license fee is sufficiently ex-

pressed in the title, "An ordinance concerning certain licenses in the city of Louisville." Elliott vs. City of Louisville, 101 Ky. 262.

(4) "An ordinance to amend § 208, Chapter XII., of the city ordinances," and relating to offices, and salaries and bonds of officers, is valid, as these subjects are naturally connected. Lowry vs. City of Lexington, 113 Ky. 763, 24 R. 516.

(5) An ordinance entitled an ordinance prohibiting the dispensing of spirituous liquors during certain hours, closing saloons, coffee-houses, and like places of business during such period, and requiring the removal of obstructions to the interior view from saloons, coffee-houses, or like places of business, is not repugnant to this provision. McNulty vs. Toopf, 25 R. 430. See also City of Louisville vs. Wehmhoff, 25 R. 995, *supra*.

(6) An ordinance for the furnishing of the city with light, heat and power, by means of either gas, hot water or steam, relates to at least three subjects, and is, therefore, invalid. Silva, for, etc., vs. City of Newport, 27 R. 212.

(7) As to amendment and repeal,

discussion allowed thereon; so much of this provision as requires a reading at two several meetings may be suspended by a vote of two-thirds of all the members-elect of the board in which the proposed ordinance or resolution is pending. No ordinance shall embrace more than one subject, and that shall be expressed in the title. No ordinance shall be revived or re-enacted by mere reference to the title thereof, but the same shall be set forth at length, as if it were an original ordinance. No ordinance shall be amended by providing that designated words thereof be stricken out and others inserted in lieu thereof, but the ordinance or section amended shall be set forth in full as amended. (*Approval or disapproval by mayor, Sec. 3114.*)

§ 3060. ORDINANCE FOR RAISING REVENUE—WHERE TO ORIGINATE.—All ordinances and resolutions for raising revenue shall originate in the board of councilmen, but the board of aldermen may propose amendments thereto; *Provided*, No new matter is introduced under color of amendment which does not relate to raising revenue.

§ 3061. PASSAGE, MODIFICATION, REPEAL OF ORDINANCES—PUBLICATION OF ORDINANCES.—The general council shall have

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see Lowry vs. City of Lexington, 24 R. 516; Baker vs. City of Lexington, 21 R. 809; Wethington vs. City of Owensboro, 21 R. 960. With reference to Kentucky Statutes, § 465, Reed vs. Bates, 24 R. 2312.

(8) Every clause or word of an ordinance should be presumed to have been intended to have some force and effect. Metropolitan Life Ins. Co. vs. Darenkamp, 23 R. 2249.

(9) The resolution, if it had been passed with the formality required in the enactment of an ordinance, would have been binding as an ordinance. Gleason vs. Barnett, 22 R. 1660.

(10) Where the invalid provisions of an ordinance can be eliminated without affecting the remainder, it

will not be invalid in toto. McNulty vs. Toopf, 25 R. 430.

(11) Enactment of two ordinances relating to same subject at same time, no objection being made, valid. City of Louisville vs. Gast, 26 R. 412, and see Weatherhead vs. Cody, 27 R. 631.

§ 3060. For construction of a like constitutional provision with reference to bills for raising revenue, see Commonwealth vs. Bailey, 81 Ky. 395, 4 R. 384; also World's Fair cases, 93 Ky. 537, 14 R. 529; Rankin vs. City of Henderson, 9 R. 861.

§ 3061. (1) Under Kentucky Statutes, § 3257, part of the charter of cities of the third class, providing that all ordinances "in force at the time this law takes effect, and not

power to pass, modify, amend and repeal all ordinances necessary and proper for carrying into effect the powers granted by this act; and all ordinances, by-laws, resolutions and orders now in force, not inconsistent with this act and the Constitution of the State, are hereby continued until they are revised, and until revision of ordinances is made and adopted by the general council, which is hereby ordered to be done within one year from the time this act takes effect. And then, and once in every five years thereafter, the city shall cause to be published in pamphlet form, properly indexed, all the ordinances and resolutions of a public nature in force. When an ordinance is put upon its final passage in either board, and failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken, and the subject finally disposed of before the board proceeds to other business. When a motion is made and carried to indefinitely postpone an ordinance or resolution, the subject shall not be again introduced within six months.

§ 3062. AUTHENTICATION OF ORDINANCES — EVIDENCE.—

All ordinances and resolutions of the city may be proved by the signature of the clerk and the seal of the city; when printed by

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inconsistent with the provisions thereof, shall remain and be in force until altered or repealed by the council," all inconsistent ordinances became inoperative when such charter became a law. *Wethington vs. City of Owensboro*, 21 R. 960. See also *East Tenn. Tel. Co. vs. City of Russellville*, 21 R. 305.

(2) Kentucky Statutes, § 465, providing that no new law shall be construed to repeal a former law as to any offense committed or penalty incurred thereunder, except that any provision mitigating a penalty may be applied to a judgment pronounced after the new law takes effect, applies to city ordinances as well as to general laws. *Baker vs. City of Lexington*, 21 R. 809.

(3) Citizens and taxpayers and persons dealing with the corporation are bound to take notice of the proceeding of the general council. *Barret vs. Godshaw*, 12 Bush 592; *Murphy vs. Louisville*, 9 Bush 189; *Craycraft vs. Selvage*, 10 Bush 696.

(4) A revision made after the expiration of the one year provided by this section was valid. *Lowry vs. City of Lexington*, 113 Ky. 763, 24 R. 516.

§ 3062. Authenticated copies of the records of trustees of towns are competent evidence in controversies about the titles to the lots in the town. *Dudley vs. Grayson*, 22 Ky. (6 T. B. Mon.) 259. See also *Barret vs. Godshaw*, 12 Bush 592; *Covington vs. Ludlow*, 1 Met. 298.

authority of the city, said printed copy shall be received in evidence in all courts and places without further proof.

§ 3063. VALIDITY OF ORDINANCE — HOW ESTABLISHED — RECORDING — WARRANT FOR VIOLATION.—The validity of city ordinances and by-laws may be tried by writ of prohibition from the circuit court, with right of appeal to the Court of Appeals, or upon *ex parte* petition by the city, or any *bona fide* citizen and resident thereof, to the circuit court, with right of appeal; and it is made the duty of said court to give such cases precedence of all other cases, so that prompt decisions may be rendered. Should the judge of the police court decide against the validity of any ordinance or by-law, the said decision, with the ordinance or by-law, shall, on request of the city attorney, be certified on the record, and the city shall have a right of carrying said decision to the Court of Appeals by appeal or writ of error. All penalties for violation of the ordinances and by-laws shall be sued for by warrant, in the name of the city, to the police court, when judgment may be given as well for the cost as the penalties. The general council shall cause all ordinances, resolutions and by-laws passed by them to be fairly recorded in the journal of proceedings. After the adjournment of any session of either House, all the original ordinances and all resolutions which may have become laws thereat shall be filed with the auditor, who shall record the

§ 3063. (1) Validity of ordinance may be tried by writ of prohibition, as provided in this section. City of Lexington on appeal, 96 Ky. 258; see further Blair vs. McCann, 23 R. 1226; Shoemaker vs. Hodge, 23 R. 736; Shinkle vs. Covington, 83 Ky. 420, 7 R. 412; Bybee vs. Smith, 22 R. 467; Stone vs. Paducah, 27 R. 717.

(2) In an action under this section, no other question should be litigated, and no affirmative relief can be granted to a person who on his own motion was made a party in order to defend the validity of the ordinance. Home Const. Co. vs.

Duncan, 111 Ky. 914, 23 R. 1225; see also Chesapeake & O. Ry. Co. vs. City of Maysville, 24 R. 615; Boyd vs. Frankfort, 25 R. 1311.

(3) Court is required to give cases precedence. Shoemaker vs. Hodge, 23 R. 736.

(4) If a city ordinance is invalid, one who is affected by it has the right, in order to prevent irreparable injury, and a multiplicity of prosecutions, to go into a court of equity for relief. City of Newport vs. Newport and Cincinnati Bridge Co., 90 Ky. 193, 12 R. 39; Shinkle vs. Covington, 83 Ky. 420, 7 R. 412.

same in well-bound books provided for that purpose by the city; *Provided*, That no ordinance shall be recorded until it shall have become a law. The auditor shall also make a written index of the subject of the ordinance or resolution, its number, and the date of its becoming a law, together with the record and page where found, and he shall preserve the file and records in his office.

§ 3064. SALARIES TO BE FIXED BY COUNCIL EXCEPT IN CERTAIN CASES.—The general council, unless otherwise provided by law, shall fix the salary and compensation and prescribe the duties of all officers, deputies and employes of the city, except as to the officers in office when this act takes effect. Such salaries shall be fixed before their election or employment, and the salaries of no city officer, deputy or employe, when so fixed, shall be changed after his election, employment or appointment during his term of office or employment, and no officer, deputy or employe of the city shall be entitled to any compensation or salary unless he, in person or by authorized deputy, discharges and performs the duties of his office. All officers, deputies and employes of the

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(5) Taxpayer may maintain an action to have an ordinance levying a tax declared invalid, though no levy has been made under it. *Ramsey vs. City of Shelbyville*, 26 R. 1102.

§ 3064. (1) Salaries of officers can not be changed during term. *Board of Education vs. Moore*, 24 R. 1478.

(2) The amount due by a city to one of its officers for services performed, or set apart to such officer, so that he has a right to demand it, is a proper subject of garnishment; but wages or salary not due at the commencement of suit is not so subject. *Bridgeford vs. Keenehan*, 8 R. 268; see *Holt vs. Thurman*, 23 R. 92.

(3) The salary of a city officer may be fixed by statute or ordinance after he goes into office where no salary has theretofore been fixed.

*City of Louisville vs. Wilson*, 99 Ky. 598, 18 R. 427.

(4) A police officer has no term of office. He may be discharged at any time with or without cause, therefore his salary may be reduced at any time. *City of Lexington ve. Rennick*, 20 R. 1609; *City vs. Thompson*, 24 R. 384; *Gilbert vs. City of Paducah*, 24 R. 1998.

(5) Council has no authority to make an extra allowance to the city physician for attending smallpox patients. *City of Owensboro vs. Stirman*, 8 R. 263.

(6) The increase of the duties of a city officer does not imply any obligation to increase his salary. *City of Covington vs. Mayberry*, 9 Bush 304.

(7) An office established and held for the public good is not a contract.

city, except as hereinafter provided, shall be paid a fixed salary, and not otherwise, and all fees and commissions authorized by law shall revert to and be for the use and benefit of the city.

**§ 3065. SALARY NOT TO EXCEED FIVE THOUSAND DOLLARS PER YEAR — PROVISION WHERE OFFICERS ARE PAID FEES.**—The salary of no officer of the city, including all necessary deputies and clerks, shall exceed five thousand dollars per annum; and no officer to whom fees, costs and commissions may be authorized by general law to be paid, shall be entitled to or paid any part of his salary until he shall have made, on oath, an itemized report to the general council of all fees, costs and commissions collected by him, and have paid over to the city treasurer such fees, costs and commissions collected by him, and have given to the general

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Standeford vs. Wingate, 63 Ky. (2 Duv.) 440.

(8) When salary is not fixed when one takes office, it may be fixed after officer is elected. Marion Co. vs. Kelly, 22 R. 174; Barrett vs. City, 22 R. 667; and see Lowrey vs. Lexington, 24 R. 516, also 24 R. 1478.

(9) As to compensation by percentage of fees and amounts collected, see Boltz vs. City of Newport, 22 R. 961; Atchinson vs. City of Owensboro, 24 R. 1529; City of Ludlow vs. Richie, 25 R. 1581; Maxey vs. Town of Tompkinsville, 25 R. 1948.

(10) Where a city attorney attended to considerable litigation for the city in the Court of Appeals, he was entitled to expenses thereby incurred, in addition to his salary. City of Ludlow vs. Richie, 25 R. 1581. Not entitled where, after term of office, he, without request of city, assisted his successor. Atchinson vs. City of Owensboro, 24 R. 1529.

(11) This section relates alone to fees, costs and commissions arising

out of their performance of their duties to the city, and does not authorize the city to convert to its use the fees allowed by the State to such officers for the arrest of felons under the provisions of § 354 of the Kentucky Statutes. Burke on petition, 101 Ky. 175, 19 R. 358.

(12) A city officer who has been removed can not maintain an action against the city for alleged salary accruing subsequent to his removal, until there has been an adjudication, in a direct proceeding, declaring him entitled to the office and his successor a usurper. Gorley vs. City of Louisville, 20 R. 602, 104 Ky. 372.

(13) Plaintiff can not recover from city for services as jail guard in the absence of any appointment or agreement to pay him. City of Covington vs. Elliott, 21 R. 895.

(14) Effect of assigning a city to a different class upon term, duties and salary of officers. See Gilbert vs. City of Paducah, 24 R. 1998.

**§ 3065.** A city (fifth class) is entitled to recover from its marshal

council satisfactory reasons for a failure to collect and pay over to the city treasurer all uncollected fees, costs and commissions.

§ 3066. DANGEROUS OR UNHEALTHY PREMISES—CONSTRUCTION OF BUILDINGS—FIRES—SMOKE.—The city, through its officers and agents, may, at all reasonable times, within the city and within two miles of the city limits, enter into and examine all dwellings, lots, yards, inclosures and buildings, cars and vehicles of every description, to ascertain their condition of healthfulness, cleanliness and safety, take down and remove buildings, walls or superstructures that are or may become dangerous, or require owners to remove or put them in a secure and safe condition at their own expense; may direct and regulate the building and maintenance of partition, parapet and fire walls, partition fences, ovens, smoke flues, fire places, hot-air flues, boilers, kettles, smoke-stacks, stove-pipes, and the erection and cleaning of chimneys; shall provide for the safe construction, inspection and repair of all private and public buildings in the city; compel persons to aid in extinguishing fires, or in the preservation of property liable to be destroyed or stolen, and compel the consumption of smoke, and make such regulations as may be necessary to prevent the same from becoming deleterious and offensive to health; to prescribe fire limits within which it shall be unlawful to erect buildings of wood or combustible material.

§ 3067. PROVISION AGAINST FIRES IN HOTELS, FACTORIES AND OTHER PUBLIC PLACES.—The general council shall, without unnecessary delay, enact stringent and effective laws for securing the safety of persons from fires in hotels, factories or other buildings, and in halls and buildings let or used for public assemblies, for entertainments, or for amusement, inside the city limits, or within two miles of the city limits.

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taxes and dues collected by him, and costs and fees erroneously allowed him by mistake in making such collection. City of Lancaster vs. Arnold, 20 R. 34.

§ 3066. (1) Particular ordinances in reference to this subject construed. Krickle vs. Commonwealth,

40 Ky. (1 B. Mon.) 361; Boyd vs. City of Frankfort, 25 R. 1311.

(2) Removal of dead animals. Knauer vs. City of Louisville, 20 R. 193; Meyer vs. Jones, 20 R. 1632.

§ 3067. (1) An ordinance providing for fire escapes valid under provisions of charter of cities of first

§ 3068. GRANTING FRANCHISES OR PRIVILEGES—TERMS AND MANNER OF.—The general council shall not grant any franchise or privilege, or make any contract in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term of years, the general council shall first, after due advertisement in one or more papers in the city, receive bids therefor publicly, and award the same to the highest and best bidder, but shall have the right to reject any and all bids.

§ 3069. EXPENDITURE OF MONEY LIMITED — PENALTIES.—The general council shall not expend any money in excess of the amount annually levied, collected or appropriated for any special object. Any member of the general council who shall knowingly vote for any appropriation of money or for the making of any contract in violation of this act, or any officer of the city who shall knowingly do any act to impose upon the city any pecuniary liability in excess of the authority in this act limited, shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than one hundred nor more than one thousand dollars, or imprisonment in the county jail not less than one month nor more than one year, or by both such fine and imprisonment.

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class. Louisville Public Library vs. City of Louisville, 26 R. 202.

§ 3068. (1) A franchise to use a street of a city is not exclusive unless it is expressly declared to be so in the grant. Duval vs. Goodson, 1 R. 319.

(2) A contract for water supplies entered into by the city at the same time an invalid franchise was granted is not separable from the grant, but both are invalid. Nich. Water Co. vs. Town of Nich., 18 R. 592.

(3) Grant of a franchise for a term of twenty years to begin at a future date is in violation of this section. City vs. Smith, 105 Ky. 678, 20 R. 1488; and see Keith vs. Johnson, 22 R. 947.

(4) "Highest and best bidder"—words mandatory—definition of. Keith vs. Johnson, 22 R. 947.

(5) A city can not enlarge a franchise already granted except by award to the highest and best bidder. People's E. L. and P. Co. vs. Capital Gas and E. L. Co., 25 R. 327. See Monarch vs. Owensboro City Ry. Co., 27 R. 380.

§ 3069. (1) As to what constitutes an appropriation for a particular purpose, see City of Louisville vs. Gosnell, 22 R. 1524.

(2) Limitation on use of funds or credit in general. Neumeyer vs. Krakel, 110 Ky. 624, 23 R. 190; Board of Trustees of House of Reform vs. City of Lexington, 112 Ky. 171, 23 R. 1470.

County. What remains of specific funds appropriated for  
other purpose after the purpose for which the fund  
was appropriated had been satisfied, is plenary  
fund for any purpose.

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**§ 3070. APPROPRIATIONS RESTRICTED.**—No appropriation or payment shall be made from any revenue or fund account in excess of the amount actually collected, or anticipated, as herein-after provided, and in the treasury.

**§ 3071. APPORTIONMENT OF REVENUE — APPROPRIATING MONEY—BORROWING—INTEREST—BONDED INDEBTEDNESS.**—Within the first month of each fiscal year the general council shall, by ordinance, as near as practicable, make all necessary apportionments of the revenue to be raised for such year for the expense of the several departments and for all public works, under proper headings, and for such other objects as it may be necessary to provide for. All ordinances that contemplate the appropriation of any money shall, upon their second reading, be referred to the appropriate committee of the board in which such ordinances are introduced, who shall obtain the indorsement thereon of the auditor to the effect that sufficient unappropriated means stand to the credit of the fund or revenue account therein mentioned to meet the requirements of such ordinances, and that the same is in the treasury, or it shall not be lawful to pass the said ordinance. The general council shall have power to borrow money on the credit of the city in anticipation of revenue from general taxes for the fiscal half year in which the same is borrowed, and pledge any of the property of the city, except school property, or pledge any part of the anticipated taxes of the city for the payment of the principal and interest of such loan; *Provided* That the interest

**§ 3070.** (1) See City Council of Richmond vs. Powell, 101 Ky. 7, 16 R. 174, and City of Covington vs. McKenna, 99 Ky. 509, 18 R. 288; City of Louisville vs. Gosnell, 22 R. 1524.

**§ 3071.** (1) When bonds are issued by a city for the express purpose of retiring or taking the place of other outstanding bonds of the city, the amount represented by them is not to be considered as an increase of the city's indebtedness in estimating the amount of indebtedness which

it may incur under the limit fixed by § 158 of the Constitution. Farson, Leach & Co. vs. Board of Commissioners of Sinking Fund of the City of Louisville, 97 Ky. 119, 16 R. 856; Bank v. Taylor Co., 23 R. 1483.

(2) As to power to issue renewal bonds, construing § 159 of the Constitution, see Commissioners of the Sinking Fund of City of Louisville vs. Zimmerman, 101 Ky. 435, 19 R. 689. See also O'Bryan vs. City of Owensboro, 113 Ky. 680, 24 R. 645.

(3) As to constitutional limita-

paid shall in no case exceed six per cent. per annum, and the principal shall in no case exceed fifty per cent of the anticipated revenue. The bonded and floating debt of the city at the time of the passage of this act, which has been authorized by contract or general law, shall remain unimpaired, and the general council may issue renewal bonds or funding bonds, bearing not exceeding six per cent. per annum interest, in payment of such bonded or floating debt; *Provided*, That the issual of said renewal and funding bonds shall not exceed the principal of said bonded and floating debt, and said renewal and funding bonds shall not be sold for less than par and accrued interest.

§ 3072. BONDS TO PAY FOR UNCOMPLETED CONTRACTS.—The general council shall have power to issue city bonds for an amount sufficient to construct, complete and pay for any sewer, building or other public improvement authorized to be constructed under laws heretofore enacted, or for the completing and carrying out any contract made for the construction of any such sewer, building or improvement; *Provided*, That such bonds shall not bear exceeding six per centum per annum interest, payable annually or semi-annually, and shall not be sold for less than par and accrued interest, and be not in violation of the Constitution of this Commonwealth.

§ 3073. INCREASE OF INDEBTEDNESS — VOTE AS TO — BONDS — SINKING FUND.—If, at the time of the adoption of the present Constitution, the aggregate indebtedness of the city, bonded or

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tion see Constitution, § 157, and Beard vs. Hopkinsville, 95 Ky. 239; Richmond vs. Powell, 16 R. 174; Ramsey vs. Shelbyville, 26 R. 1102.

§ 3072. (1) Bonds may be issued to carry out or complete contracts authorized before the adoption of present Constitution, though in excess of limitations imposed by the present Constitution. City of Lexington on appeal, 96 Ky. 258, 16 R. 467; Warren vs. Newport, 23 R. 1006; Dyer vs. City of Newport, 26 R. 204.

§ 3073. (1) § 158 of the Constitution prohibits incurring a legal liability to pay in any manner for any purpose, when a given amount of indebtedness has been incurred, and therefore a debt payable upon the happening of some event, such as the rendering of service or the delivery of property, is within the prohibition. And it can make no difference whether the debt be for necessary current expenses or for something else. Nor does the fact that the liability is within the limits

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floating, including that which it has been or may be authorized to contract under the provisions of the present Constitution, shall exceed ten per cent. of the value of taxable property therein, then such city shall be authorized and permitted to increase its indebtedness in an amount not exceeding two per cent.; *Provided*, The assent of two-thirds of the voters, voting at an election held for that purpose, shall have heretofore been or may hereafter be obtained, and to issue bonds for such increased indebtedness, to the amount so authorized by the vote of the people, and to levy and collect an annual tax sufficient to pay the interest on said indebtedness, and create a sinking fund for the payment of the principal thereof, within not more than forty years from the time of contracting same. Said bonds shall bear the seal of the city, and be issued under the signature of the mayor, countersigned by the treasurer, shall be serially numbered, and in such form and denominations, and for such time or times, as the council or city government may prescribe by ordinance, and shall bear interest

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of the revenue accruing to meet it prevent the prohibition from applying. Beard vs. City of Hopkinsville, 95 Ky. 239; 15 R. 756.

(2) The officers to hold an election concerning a proposed municipal indebtedness may be appointed by the city council in cities of the fifth class. Even if the officers holding the election had not in fact been the identical ones designated by law for that purpose, the election would not have thereby been rendered illegal and void, when it was free from fraud, and all the other provisions of law were fully complied with. 16 R. Winn vs. Board of Park Commissioners, 12 R. 339.

(3) An election under § 157 of the Constitution to take the sense of the voters of a city as to the incurring of an indebtedness by the city in excess of the limit fixed by that section can not be held on any other day

than that of a regular annual election. (Overruling Fidelity Trust and Safety Vault Co. vs. Morganfield, 96 Ky. 564.) Belknap vs. City of Louisville, 99 Ky. 474, 18 R. 313.

(4) Under § 157 of the Constitution, it requires two-thirds of those voting upon the question of incurring indebtedness to authorize the same, and not two-thirds of all those voting at the election at which the question is submitted. (Overruling City of Owensboro vs. Baker, 18 R. 324; McGoodwin vs. City of Frankfort, 18 R. 762, and, in part, Belknap vs. City of Louisville, 99 Ky. 474, 18 R. 313.) Montgomery County Fiscal Court vs. Trimble, 20 R. 827; Worthington vs. Board of Education of Lexington, 24 R. 1510; and see Board of Education vs. Winchester, 27 R. 994.

(5) More than one proposition may be submitted at the same elec-

not exceeding six per cent. per annum, payable semi-annually, and shall have interest coupons attached, and shall not be sold for less than par and accrued interest, and their proceeds shall be used exclusively to pay the interest on and create a sinking fund for the payment of the principal of said indebtedness herein authorized, or that may have been authorized.

§ 3074. EXEMPTION FROM TAXATION.—The general council shall have power to exempt manufacturing establishments from municipal taxation for a period not exceeding five years as an inducement to their location in the city.

§ 3075. PUBLICATION OF RECEIPTS AND EXPENDITURES.—The general council shall annually, in January of each year, publish an itemized account of all money received and paid out during the preceding fiscal year.

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tion. Woolfolk vs. City of Paducah,  
25 R. 2149.

(6) In particular case a re-canvass of the vote was required, no bond having passed into the hands of a purchaser. City of Louisville vs. Board of Park Commissioners, 112 Ky. 409, 24 R. 38.

(7) The fact that voters residing in territory before an election for the issuance of bonds did not have an opportunity to vote did not invalidate the election. Lancaster vs. City of Owensboro, 24 R. 2249.

(8) Amount of indebtedness—current expenses of year not considered—how estimated. O'Bryan vs. City, 24 R. 469; Whaley vs. Commonwealth, 23 R. 1292; Knippes vs. City, 22 R. 676; City vs. McKenna, 18 R. 288; City of Ashland vs. Culbertson, 19 R. 1812; and see notes to § 3071.

(9) Provisions as to interest and redemption. See Maddox vs. Graham, 59 Ky. (2 Metc.) 56; Commissioners vs. Zimmerman, 19 R. 689;

Farson, etc., vs. Commissioners, etc., 16 R. 856; Turpin vs. Madison County Fiscal Court, 20 R. 1131.

(10) Mayor and council have no authority to extend time where bonds are barred by statute of limitation. Wurth vs. Paducah, 25 R. 586.

§ 3074. (1) Exemption does not apply to plants already established. City vs. New South B. and I. Co., 21 R. 1782.

(2) A box manufacturing company had decided to close out its business, had ceased to make new contracts, and was merely running for the purpose of completing unfinished contracts, when a corporation was organized which purchased the plant and entered on the manufacture of boxes. A number of the members of the new corporation were members of the old. Held, The new corporation properly exempt. Mengel Box Co. vs. City of Louisville, 25 R. 1861.

§ 3076. POWER TO GRANT LICENSES — RATES TO BE FIXED.—The general council shall have power to authorize, by ordinance, the proper officers of the city to grant and issue licenses, and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor, except as hereinafter provided. No license shall be granted for more than one year, except at public letting, and not less than three dollars shall be charged for a license under this charter or any ordinance, and the fees for issuing the same shall not exceed one dollar, and all such fees shall belong to the city. All licenses for the sale of liquors at retail shall be issued by the city clerk, and in accordance with such regulations as may be prescribed by ordinance of the general council; and the general council, at the first meeting after this act takes effect, shall provide such regulations by ordinance, also fixing the rate of license, but such rate shall be uniform as to all licenses for the sale of liquors at retail, and shall not be less than fifty dollars nor more than one hundred and fifty dollars.

§ 3077. FUNDING AND REFUNDING BONDS — AUTHORIZED TO ISSUE.—The cities of the second class in the Commonwealth of Kentucky, viz.: Covington, Lexington and Newport, are hereby authorized and empowered to issue funding bonds for an amount sufficient to pay off their floating debts existing under contracts at the date of the passage of this act; *Provided, however,* That said funding bonds shall only be issued for an amount sufficient to meet the principal of said contract indebtedness. (*This section is an act of July 4, 1892.*)

§ 3078. REFUNDING BONDS HEREAFTER MATURING.—Such cities are also authorized and empowered to issue bonds for the purpose of refunding any bonded debt which may hereafter mature in whole or in part. (*This section is an act of July 4, 1892.*)

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§ 3076. (1) An ordinance authorizing the city clerk to issue a license, provided the applicant has complied with the law and shall not be in arrears for license for any previous year, does not confer judicial powers on the clerk. *Baker vs. Lexington, 21 R. 809.*

(2) A city of the fifth class has authority under its charter to accept notes in payment of license fees, and may enforce their collection. *Searcy vs. City of Lawrenceburg, 20 R. 1920.*

As to licensing occupations, see § 3058, Sub-section 2, and notes thereto.

§ 3079. FORM, DENOMINATION AND TIME TO RUN — BY WHOM ISSUED — INTEREST — COUPONS.— Said bonds shall be issued under the signature of the mayor, the countersignature of the city treasurer, and the seal of the city, serially numbered, and in such form and denomination, and for such time or times, as the general council or common council in said cities shall prescribe by ordinance; said bonds shall bear not exceeding six per cent. per annum interest, payable semi-annually, and shall have interest coupons attached, and shall not be sold for less than par and accrued interest, and their proceeds shall be used exclusively for the payment of said floating debts or the refunding of such bonded debt, and for no other purpose whatsoever. (*This section is an act of July 4, 1892.*)

§ 3080. SINKING FUND PROVIDED FOR REDEMPTION.—Upon the issuance of said bonds, each of said cities shall annually carry to the sinking fund of the said city an amount sufficient to pay the annual interest on said bonds, and create a fund for their purchase from time to time; and whenever there is a sufficient sum in the sinking fund over and above the amount required for the payment of said interest, it shall be used in the purchase of so many of said bonds as practicable. (*This section is an act of July 4, 1892.*)

§ 3081. ACT VALIDATING BONDS ISSUED UNDER PRECEDING SECTIONS.—That all funding and refunding bonds issued by any city or cities of the second class of the Commonwealth of Kentucky, under and by virtue of an act of the General Assembly of the Commonwealth of Kentucky, entitled “An act authorizing cities of the second class in the Commonwealth of Kentucky to issue funding and refunding bonds,” be, and are hereby declared to be, the valid and legal obligations of the city issuing the same, as fully and completely as if said act had been in all respects duly enacted. (*This section is an act of February 15, 1893.*) (*This section refers to the four preceding sections.*)

§ 3082. BONDS TO PAY JUDGMENTS AGAINST CITY — TIME TO RUN.—The cities of the second class, in the Commonwealth of Kentucky, are hereby authorized and empowered to issue bonds running for a period of not less than five nor more than thirty years, bearing interest not to exceed six per cent. per annum, for

the purpose of paying off any judgment or judgments rendered against any such city upon any debt created and existing prior to the adoption of the present Constitution, together with all costs and attorney's fees. (*This section is an act of February 6, 1893.*)

§ 3083. FORM, DENOMINATION — TIME TO RUN — BY WHOM ISSUED — INTEREST — COUPONS.— Said bonds shall be issued under the signature of the mayor, the countersignature of the city treasurer, and the seal of the city, serially numbered, and in such form and denomination, and for such time or times as the general council or common council in said cities shall prescribe by ordinance; said bonds shall bear not exceeding six per cent. per annum interest, payable semi-annually, and shall have interest coupons attached, and shall not be sold for less than par and accrued interest, and their proceeds shall be used exclusively for the payment of said floating debts, and for no other purpose whatsoever. (*This section is an act of February 6, 1893.*)

§ 3084. SINKING FUND PROVIDED FOR REDEMPTION, ETC.— Upon the issuance of said bonds, each of said cities shall annually carry to the sinking fund of the said city an amount sufficient to pay the annual interest on said bonds, and create a fund for their purchase from time to time, or redemption at maturity; and whenever there is a sufficient sum in the sinking fund over and above the amount required for the payment of said interest, it shall be used in the purchase of so many of said bonds as practicable. (*This section is an act of February 6, 1893.*)

§ 3085. REFUNDING BONDS FOR PAYMENT OF BONDED DEBT WHICH MAY HEREAFTER MATURE.—The cities of the second class in the Commonwealth of Kentucky, namely, Covington, Lexington and Newport, are hereby authorized and empowered to issue refunding bonds for the purpose of refunding any bonded debt which may hereafter mature in whole or in part. (*This section is an act of May 18, 1893.*)

§ 3086. FORM, DENOMINATION — TIME TO RUN — BY WHOM ISSUED — INTEREST COUPONS.— Said bonds shall be issued under the signature of the mayor, the countersignature of the city treasurer, and the seal of the city, serially numbered, and in such form and denomination, and to run for such time or times, and

to mature and be redeemable as the general council or common council in said cities shall prescribe by ordinance. Said bonds shall bear not exceeding six per cent. per annum interest, as the general or common council may direct, payable semi-annually, and shall have interest coupons attached, and shall not be sold for less than par and accrued interest, and their proceeds shall be used exclusively for the refunding of such bonded debt, and for no other purpose whatsoever. (*This section is an act of May 18, 1893.*)

§ 3087. SINKING FUND PROVIDED FOR REDEMPTION.—Upon the issuance of said bonds, each of said cities shall annually carry to the sinking fund of the said city an amount sufficient to pay the annual interest on said bonds, and create a fund for their purchase from time to time; and whenever there is a sufficient sum in the sinking fund over and above the amount required for the payment of said interest, it shall be used in the purchase of so many of said bonds as practicable. (*This section is an act of May 18, 1893.*)

§ 3088. FUNDING AND REFUNDING BONDS — AMOUNT LIMITED.—The cities of the second class in the Commonwealth of Kentucky, namely, Covington, Lexington and Newport, are hereby authorized and empowered to issue funding bonds for an amount sufficient to pay off their floating debts existing under contracts at the date of the adoption of the Constitution; *Provided, however,* That said funding bonds shall only be issued for an amount sufficient to meet the principal of said contract indebtedness. (*This section is an act of July 10, 1893.*)

§ 3089. REFUNDING BONDS HERAFTER MATURING.—Such cities are also authorized and empowered to issue bonds for the purpose of refunding any bonded debt which may hereafter mature, in whole or in part, existing at the date of the adoption of the Constitution. (*This section is an act of July 10, 1893.*)

§ 3090. FORM, DENOMINATION — TIME TO RUN — BY WHOM ISSUED — INTEREST AND COUPONS.—Said bonds shall be issued under the signature of the mayor, the countersignature of the city treasurer, and the seal of the city, serially numbered, and in such form and denomination, and for such time or times, as the general council or common council in said cities shall prescribe by

ordinance. Said bonds shall bear not exceeding six per cent. per annum interest, payable semi-annually, and shall have interest coupons attached, and shall not be sold for less than par and accrued interest, and their proceeds shall be used exclusively for the payment of said floating debts or the refunding of such bonded debt, and for no other purpose whatsoever. (*This section is an act of July 10, 1893.*)

§ 3091. SINKING FUND PROVIDED FOR REDEMPTION.—Upon the issuance of said bonds, each of said cities shall annually carry to the sinking fund of the said city an amount sufficient to pay the annual interest on said bonds, and create a fund for their purchase from time to time; and whenever there is a sufficient sum in the sinking fund over and above the amount required for the payment of said interest, it shall be used in the purchase of so many of said bonds as practicable. (*This section is an act of July 10, 1893.*)

§ 3092. AUTHORIZED TO ACQUIRE PARTS OF TURNPIKE ROADS WITHIN CORPORATE LIMITS.—That all cities of the second class are hereby authorized and empowered to contract with any company or corporation, owning or controlling any turnpike road in this Commonwealth, for the surrender and transfer by such company or corporation to such city of so much of such turnpike road, if any, as lies within the corporate limits of such city; and whenever any such city, and any such company or corporation, shall mutually agree upon the terms and conditions of such surrender and transfer, and such agreement shall have been ratified by the legislative board of such city, and by the board of directors of such turnpike company, then so much of said road as is included in such agreement of surrender and transfer shall be and become a public street of such city, and shall be thereafter held, owned, controlled and used by such city in like manner with its other streets, subject to the provisions of the agreement above mentioned, if any. (*This section is an act of July 8, 1892.*)

§ 3093. CONDEMNATION PROCEEDINGS—WHEN AUTHORIZED.—In the event that any such city and turnpike company can not mutually agree upon the terms of surrender of such part of any such turnpike, then, and in that event, power and authority are

hereby conferred upon such city to acquire that part of said road, or such portion of it in such city as may be desired for street purposes, by proceedings in condemnation in like manner and form as such city is now by law authorized to acquire other property for streets and highways. (*This section is an act of July 8, 1892.*)

§ 3093a. 1. AUTHORIZED TO ACQUIRE TURNPIKES IN CITY LIMITS.—That all cities of the second class are hereby authorized and empowered to contract with any person, company or corporation owning or controlling any turnpike road in this Commonwealth, for the surrender and transfer to any such city of so much of or any part of any turnpike road as may be within the limits of such city; and when a contract for such surrender or transfer is ratified by the legislative boards of such city, then the part of such turnpike road embraced in such surrender or transfer shall become and be a public highway and street of such city, and shall thereafter be held, controlled and used as other streets.

2. TURNPIKES MAY BE CONDEMNED.—If any such city and the person, company or corporation owning or controlling such turnpike road can not agree upon the terms of surrender or transfer of such part of such turnpike road, then power and authority are hereby conferred upon such city to acquire the part of, or any part of, such turnpike road within the corporate limits of such city by proceedings in condemnation in manner and form as such city is now by law authorized to acquire other property for street and highway purposes. (*This section is an act of March 15, 1898; the numbers of the sub-sections are the numbers of the sections in the act.*)

#### (b) Street Improvements

§ 3094. CONTROL OF WAYS, LANDINGS, WHARVES AND PUBLIC GROUNDS — SPRINKLING DISTRICTS.—The general council shall

##### § 3094.—General Powers—

(1) *Generally.*—The general council has full control over public ways—has power to improve street at cost of property owners, though used by turnpike company as toll

road. Heulefeld vs. Covington, 22 R. 1188; has power to improve where street has been acquired by surrender from a turnpike company. Cassidy vs. Covington, 12 R. 980.

(2) A city has no power either

*Power to compel sidewalk construction. 155-566-163*

have and exercise exclusive control and power over the streets, roadways, sidewalks, alleys, landings, wharves, public grounds and highways of the city; to establish, open, alter, widen, extend,

to condemn or close up a street or alley unless authorized by the Legislature to do so. *Martin vs. City of Louisville*, 16 R. 786. See also *Rohmeiser vs. Brannon*, 15 R. 114; *Gargan vs. Louisville*, etc., 89 Ky. 212; 11 R. 489; *City of Louisville vs. Brannon*, 99 Ky. 74, 18 R. 10.

(3) Although the power to improve and repair streets is in its nature legislative, yet it is conferred on the municipal authorities for the benefit of the public, and whenever the necessity for its exercise is so apparent and obvious as to justify the inference, that the refusal of the legislative body to act is the result of a determination not to discharge a plain duty, rather than of mistaken judgment as to the existence of the necessity, then the exercise of the power may be coerced through appropriate proceedings in the courts. *Trustees of Catlettsburg vs. Kenner*, 13 Bush 334.

(4) Courts will not interfere with the discretion of trustees of towns as to the necessity of public improvements or as to their character. *Trustees, etc., vs. McNabb*, 23 R. 811; *Duker vs. Barber Asphalt Paving Co.*, 25 R. 135.

(5) *Sprinkling* of city streets being necessary to preserve the public health and comfort is a public purpose; and hence an ordinance levying a tax for street sprinkling purposes not unconstitutional. *Maydwell vs. City of Louisville*, 25 R. 655.

(6) *Wharves*.—Right of towns on navigable rivers to build wharves and charge wharfage. *Newport vs. Taylor*, 16 B. M. 804.

(7) Power to acquire property for wharf purposes must be expressly conferred—power and duty to maintain can not be delegated to another. *Bateman vs. Covington*, 90 Ky. 390; *Roberts vs. City of Louisville*, 92 Ky. 95, 13 R. 406; *City vs. Shinkle*, 1 Bush, 617; but see *Carrollton F. M. Co. vs. Carrollton*, 20 R. 818; 104 Ky. 525.

(8) *Easements*.—The Legislature may authorize the construction of a railway upon a public street of a city, and its operation by steam or electricity.

The council of a city, when authorized by the Legislature, may grant a right to construct and operate an electric railway upon the public streets.

The construction and operation of an electric railway operated by the trolley system in a public street of a city is not so dangerous and does not impose such additional burden upon the land abutting thereon as to entitle the owner thereof to previous compensation for the right of way before such construction. *Louisville Bagging Mfg. Co. vs. Central Pass Ry. Co.*, 15 R. 417; 95 Ky. 50; and see *C. & O. Ry. Co. vs. Applegate*; 8 Dana, 289.

(9) City may exact a bonus for the privilege of using its streets.

grade, pave, repave, block, construct, reconstruct, sweep, sprinkle or otherwise improve, clean and keep in repair the same; to prevent and remove all encroachments thereon or obstructions

Cov. St. Ry. vs. Covington, 9 Bush 127. See § 3068 and notes.

(10) *Rights of Abutters.*—When land is laid off into streets and alleys, and lots are sold, each lot-owner has the right not only to use the streets as ways of ingress and egress, but also to have them thrown open to be used by the public in any manner consistent with the use for which they are established. Elizabethtown & Paducah R. R. Co. vs. Thompson, 79 Ky. 52; 1 R. 395.

(11) The right acquired by a purchaser of a lot in an established town is not confined to the mere use of the ground purchased, but extends to the use of all the streets, alleys, public ground and other public rights in the town, according to their appropriate purposes. Rowan's Executors vs. Town of Portland, 8 Ben Monroe 237; and see Transylvania University vs. Lexington, 3 B. M. 25.

#### *Acquisition.*

(12) *Generally.*—County road taken into city by annexation became city street without formal action on part of city. City of Louisville vs. Brewers' Adm'r, 24 R. 1671; see also R. B. Parks & Co. vs. Orth, 24 R. 2209; Board, etc., vs. Boyle Co., 21 R. 196, 106 Ky. 608.

(13) Unless adverse possession of a street had ripened into a title before the passage of the act of December, 1873, providing that limita-

tion "shall not begin to run in respect to actions by any town or city for the recovery of any street or alley, or other public easement, or any part of either, until the trustees of the council or the corporation have been notified in writing by the party in possession or about to take possession to the effect that such possession will be adverse," etc.; the adverse holder does not acquire title without such notice. Bosworth vs. City of Mt. Sterling, 12 R. 157; see Cornwall vs. L. & N. R. R. Co., 87 Ky. 72; 9 R. 924.

(14) Street can be recovered only by ejectment from one in possession of it claiming it as his own. City of Covington vs. C. & O. Ry. Co., 14 R. 487; Trustees of Augusta vs. Perkins, 42 Ky. 437; Cosby vs. O. & R. Ry. Co., 10 Bush 288. But an equitable action is the proper mode of establishing a right to a street in a town. Trustees of Lebanon vs. Forrest, 15 B. M. 168, and see West Covington vs. Freking, 8 Bush 121.

(15) *Dedication.*—When dedication presumed. Newport vs. Taylor, 16 B. M. 808; Wickliff vs. Lexington, 16 B. M. 155; Kaye vs. Hall, 13 B. M. 455.

(16) There can be no dedication to public use unless the owner of land has by either words or acts consented to such use. The Town of West Covington vs. Ludlow, 12 R. 783. Sanford vs. City of Covington, 12 R. 450.

thereof; to put drains and sewers in the same, and to regulate and prohibit the building of vaults and areas under sidewalks; to enforce and regulate connections with sewers, gas and water

(17) When a lot-owner erects a fence along his land so as to exclude a strip claimed by the city as a street, and maintains his fence so erected for more than fifteen years, the public using said strip as a street, the act of the property owner amounts to a dedication of the strip as a street. *The Eastern Cemetery Co. vs. City of Louisville*, 13 R. 279.

(18) Laying out and selling lots calling for a certain way as a street is a valid parol dedication. *James vs. City of Louisville*, 19 R. 447. But if a blind alley is laid out and lots are sold upon it, it is not thereby dedicated to the public, but is simply set aside for the use of the property bordering upon it. *Ballard, Trustee vs. Gleason*, 1 R. 60.

(19) In suit for partition in 1868, land was divided in lots, streets and alleys, as directed by the testator's will, deeds were executed to devisees with reference to the plat, and lots sold by devisees with reference thereto—held there was a dedication of B Street, though land was not then in city limits, and though the plat was not recorded, as the law did not then require that to be done. *S. C. & C. St. Ry. Co. vs. Newport L. & A. Turnpike Co.*, 110 Ky. 691, 23 R. 68.

(20) Question of dedication is one of intention to be determined from all the circumstances, and a mere reference to a street in describing land conveyed is not sufficient to establish a dedication by

implication. *City of Owensboro vs. Muster*, 111 Ky. 856, 23 R. 1164.

(21) As to dedication and acceptance of streets see *E. & P. R. R. Co. vs. Thompson*, 1 R. 332; *Davis vs. City of Louisville*, 4 R. 721; *Trustees of Lagrange*, 4 R. 256; *Town of Versailles vs. V. and Mt. V. T. P. R.*, 8 R. 704; *Caperton vs. Humpeck*, 95 Ky. 105; 15 R. 430; *Bogard vs. O'Brien*, 14 R. 648; *Town of West Covington vs. Ludlow*, 12 R. 783; *Moss vs. Town of Somerset*, 11 R. 139; *Hood vs. Trustees of Town of Lebanon*, 12 R. 813; *McDonald vs. City of Covington*, 94 Ky. 1; 14 R. 817; *Ky. Refining Co. vs. Selvage*, 19 R. 1071; *Bright vs. Palmer*, 20 R. 771; *Exterkamp vs. Covington Harbor Co.*, 20 R. 966; *Town of Prestongburg vs. Floyd Co.*, 23 R. 1157.

(22) *Condemnation*.—Power to open streets and alleys in towns can not be exercised without just compensation to the owners of the property. *Cheany vs. Hooser*, 9 B. M. 330.

(23) When private property is condemned by a city for a street, the property of the owner fronting on the street thus opened may be required to pay its due proportion of the cost of opening and improving the street according to the number of feet fronting on the street, even though the tax thus imposed exceed the amount of money received for the land condemned, but the city must pay the owner the money value

mains and conduits of all kinds laid in or under the streets and highways of the city for any purpose. The general council may, by ordinance, prescribe certain sprinkling districts, and have the

before it enters. It can not use as a set-off the tax assessed against the remaining property of the owner, although that tax may exceed in amount the value of the property taken. Nor can the city deduct from the value anything by reason of the benefit or advantages to accrue to the owner. *City of Covington vs. Worthington*, 88 Ky. 206; 11 R. 141.

#### *Liabilities.*

(24) *Injury by Grading and Improving.*—Though there may be extreme cases where the deprivations of the use of property not touched may entitle the owner to compensation, as a general rule the law gives no damages where there has been neither trespass nor nuisance. *Keasy vs. City of Louisville*, 4 Dana 154. Cases in which it was held that action would not lie. *Keasy vs. Louisville*, 4 Dana 154; *Wolfe vs. C. & L. R. R.*, 15 B. M. 404; *L. & F. R. R. vs. Brown*, 17 B. M. 763; *N. & C. Bridge Co. vs. Foote*, 9 Bush 264. *Contra*. *Louisville vs. L. Rolling Mill*, 3 Bush 416; and compare *Town of West Covington vs. Schultz*, 16 R. 831.

*But see Const. § 242*, under which it is held that the owner of property abutting upon a street may recover damages of the city for injury sustained by the excavation of a street or for any improvement that injures or destroys or takes his property. *Henderson vs. McClain*,

19 R. 1450; *City vs. Detweller*, 20 R. 894; *Louisville vs. Seibert*, 21 R. 328; *City of Ludlow vs. Mackintosh*, 21 R. 924; *City vs. Jepheson*, 21 R. 1028; *Barfield vs. Gleason*, 23 R. 128; 24 R. 1260-1495. — Measure of damages. *City of Louisville vs. Hegan*, 20 R. 1532; *City of Henderson vs. Winstead*, 22 R. 828; *Louisville vs. Harbin*, 22 R. 1865; *City of Covington vs. Taffee*, 24 R. 373. Question of damages is for the jury. *Frankfort vs. Howard*, 25 R. 111.

(25) *Repairs.*—City authorities act ministerially in keeping streets in repair. *Hammer vs. Covington*, 3 Met. 494—Mandamus will lie to compel repairs. *City of Covington vs. Bishop*, 10 R. 939.

(26) A city is not bound to keep all of its streets in good repair under all circumstances, but only such streets and parts of streets as are necessary for the convenience of the traveling public, and as streets are required for use, they must be placed in a reasonably safe condition.

The city must be permitted to exercise its discretion as to whether the public interests require the improvement of the streets in the uninhabited or sparsely settled portions of it, and its decision is final.

A city is not liable for injuries to horses and carriage resulting from a failure to improve a street, which was not needed for the use or convenience of the public. *City*

streets and avenues thereof sprinkled by the lowest and best bidder, assessing the cost thereof against the adjoining property per front foot.

§ 3095. CONDEMNATION OF LAND FOR PUBLIC PURPOSES.—All proceedings for condemnation of land for public, municipal or school purposes shall be prescribed by ordinance or order of the school board, and instituted in the circuit court, in the name of the city by the city solicitor, and except as herein expressly provided, shall be governed by the same jurisdiction, rules of practice and form of procedure as may be required by general law for condemnation of lands.

of Henderson vs. Sandefur & Co., 11 Bush 550.

(27) No recovery can be had against a city for a failure of the city to protect a street from washing by the river, where the proof shows that the city had never assumed control of the street or regarded it in any way as coming under the control of the City Council. City of Maysville vs. Stanton, 12 R. 586.

(28) As the city has control of a sidewalk built by a lot owner, it is not liable to him for taking up and carrying away the material thereof, a better walk being substituted. Snyder vs. City of Lexington, 20 R. 1562.

(29) *Defects and Obstructions.*—It is the duty of a city by the exercise of all the ordinary means in its power to keep its sidewalks free from obstructions and in a convenient and safe condition for public use. And it is a question for the jury in each case, whether a particular thing should be regarded under all the circumstances as a nuisance or obstruction. City of Newport vs. Miller, 93 Ky. 22; 13 R. 889; 12 R. 422; Fugate vs. City of Somerset, 16 R. 807.

For particular cases, see City of Madisonville vs. Pemberton's Administrator, 25 R. 347; City of Louisville vs. Michels, 25 R. 1375; Town of Bromley vs. Bodkin, 25 R. 1245; City of Louisville vs. Bailey, 25 R. 6; City of Lancaster vs. Walter, 25 R. 2189; Bell vs. City of Henderson, 24 R. 2434; Canfield vs. City of Newport, 24 R. 2213; City of Louisville vs. Kehler, 24 R. 2003; City of Louisville vs. Johnson, 24 R. 685; City of Covington vs. Johnson, 24 R. 602; Covington vs. Huber, 23 R. 2107; City of Maysville vs. Guilfoyle, 23 R. 43, 110 Ky. 670; City of Covington vs. Diehl, 22 R. 955.—Construction of step in sidewalk, made necessary from nature of grade and not manifestly unsafe, city not liable. Teager vs. Flemingsburg, 22 R. 1442, 109 Ky. 746.—Independent contractor causing defect or obstruction does not necessarily relieve city from liability. City of Glasgow vs. Gillenwaters, 23 R. 2375, 113 Ky. 140; City of Louisville vs. Shanahan, 22 R. 163.

§ 3095. See notes 22 and 23 to § 3094.

*Adding sidewalk  
Holmes v. Huston 142 S.W. 210*

§ 3096. CONSTRUCTION AND RECONSTRUCTION — COST APPORTIONED — LIEN — SIDEWALKS.—The general council may, by ordinance, provide for the construction or reconstruction of the streets, alleys and other public ways and sidewalks, or parts thereof, of the city upon the petition of the owners of a majority of the front or abutting feet of the real estate abutting on such pro-

§ 3096. (1) When the charter of a city requires that all contracts for street improvements shall be referred to a committee of the city council, it was held that a lot owner can not be compelled to pay the cost of improvement when the contract was not so referred. *Worthington vs. City of Covington*, 82 Ky. 265; 6 R. 237; *City of Covington vs. Richardson*, 8 R. 60.

(2) If contract for street improvement is made otherwise than as required by the ordinance, it is not binding, and if not obligatory as a contract, the law creates no promise to pay.

A party dealing in a matter expressly provided for by the charter is bound to see to it that the charter is complied with. If he choose to take the hazard or neglect this, he is a mere volunteer, and must suffer.

Every party contracting with a corporation must take notice of any want of authority which the public records would show. *Murphy vs. City of Louisville*, 9 Bush 189. *Craycraft vs. Selvage*, 10 Bush 696.

(3) There is no common law liability upon the part of a lot owner to pay for the improvement of the adjacent street. It is the creature of the statute, and the law is to be construed most strictly against those asserting the claim. When a city council accepts an improvement,

such action, in the absence of fraud or collusion, is conclusive of the question whether the manner of its construction conforms to the contract. *Whitefield vs. Hepple*, 11 R. 386.

(4) Where the city charter confers upon the corporation the power to have the streets improved at the expense of adjacent property owners, the power is purely statutory, and every formula prescribed by the statute must be observed before any liability or lien attaches to the adjacent owner. *Harris vs. Zable*, 4 R. 1000; 5 R. 114; *McGrath vs. Trustees of Shelbyville*, 13 R. 588.

(5) When the owners of more than two-thirds of the property abutting upon the street to be improved petition the general council of a city of the second class to improve the street by paving with brick the council was authorized to provide for the improvement at the exclusive cost of the abutting property holders; but the indebtedness of the city being above the constitutional limit, it was beyond the power of council to pledge the faith and credit of the city by issuing bonds for the payment of the indebtedness. However, the property owner is not entitled to any relief against proceedings by the city for the enforcement of the payment of his proportion of the expense of the improve-

*what reconstruction  
Gov. vs Bullock 31 Rep 689  
126 Ky 236*

posed improvement, or without a petition by a vote of two-thirds of the members-elect of each board of the general council. But when such original construction is to be made with brick, granite, asphalt, concrete or other improved material or paving, it shall be made only upon the petition of the owner or owners of at least two-thirds of the front or abutting feet of real estate abutting

ment. *City of Covington vs. Nadaud*, 20 R. 151.

(6) The city council, in ordering the construction of a street, must itself fix the grade of the street and not leave the matter to the judgment of the city engineer or the contractor, and a petition to enforce a lien for the cost of such an improvement must show that the grade was fixed by council. *Zable vs. Louisville Baptist Orphan Home*, 92 Ky. 89; 13 R. 385; *City of Henderson vs. Brown*, 7 R. 609.

(7) Sections 171 and 174 of the Constitution, which require uniformity of taxation according to value, do not forbid local assessments to pay for the improvement of streets or the construction of sewers. *Holtzhauer vs. City of Newport*, 94 Ky. 396; 15 R. 188.

(8) An ordinance providing for the original construction of a brick sidewalk at the cost of abutting owners, enacted without the required petition, was void, and no contract created thereunder was enforceable. *City of Covington vs. Brinckman*, 25 R. 1949.

(9) City without good cause released accepted bidder—upon second advertisement—the lowest bid, and the one accepted, was considerably higher than the bid released. *Held*, the property owners were entitled to judgments over against the city for

the difference. *Barfield vs. Gleason*, 23 R. 128. Judgment modified on rehearing. 23 R. 1102.—To same effect. *City of Louisville vs. Ky. & I. Bridge Co.* 24 R. 1087.

(10) Necessity for and sufficiency of description of improvement in ordinances and specifications. *Hackworth vs. Louisville Artificial Stone Co.* 20 R. 1789; *Dumesnil vs. Hexagon Tile-Walk Co.* 23 R. 144; *City of Augusta vs. McKibben*, 22 R. 1224; *Richardson vs. Mehler*, 23 R. 408; *Horne vs. Mehler*, 23 R. 1176; *Burghard vs. Fitsh*, 24 R. 1983; *Barber Asphalt Paving Co. vs. Gaar*, 24 R. 2227.

(11) *Property Subject to Assessment—Pleading*.—A provision in the charter of an orphan asylum exempting its property “from assessment and taxation under the revenue laws of the commonwealth, or under any ordinance, resolution or other act of the city of Louisville,” does not give exemption from local assessments to pay the cost of street improvements. *Kelgus vs. Trustees of Orphanage of Good Shepherd*, 94 Ky. 439; 15 R. 318; *Zable vs. Louisville Orphan’s Baptist Home*, 92 Ky. 89; 13 R. 385.

(12) Property of school board, held by it for the use of the State to carry on the system of common schools established under the Constitution, is not subject to execution

on such improvement. Such original construction of public ways shall be made at the exclusive cost of the owners of the real estate abutting on such improvement; and such reconstruction of such ways shall be made one-half at the cost of the owners of the real estate abutting on such improvement, and the other half at the cost of the city. Such cost of construction and reconstruction which is to be paid by the property owners shall be apportioned

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or levy, or to decretal sale to satisfy a lien for street improvement.

The city having the authority to contract for the work, but no authority to make it a charge upon the abutting property, is liable to the contractor for the cost of the work. *City of Louisville vs. Leatherman*, 99 Ky. 213; 18 R. 124.

(13) Homestead is liable for street improvement. *Nevin vs. Allen*, 15 R. 836.

(14) The property owner is under no obligation to pay anything until the cost of the improvement has been apportioned as provided by law, and the city is entitled to interest only from that date. *Boone, Trustee, etc., vs. Gleason*, 5 R. 169; *Johnson vs. Ferrell*, 8 R. 216.

(15) Courts have no right to correct assessments. *Worthington vs. City of Covington*, 3 R. 392.

(16) The work having been completed, and the contract complied with, the lot owners can not be relieved from payment by reason of an error of the council in the apportionment of the burden. There may be reapportionment upon proper basis. *Cooper vs. Nevin*, 90 Ky. 85; 11 R. 875.

(17) The payment and acceptance of an assessment is not an accord and satisfaction, and a mistake may be corrected even if it imposes an

additional burden. *Stengel vs. Preston*, 89 Ky. 616; 11 R. 976.

(18) In assessing property for street improvements, the municipality having decided that the assessed area or tax district as an entirety will be benefited by the proposed improvement, a lot owner may be compelled to pay his proportion of the cost, although in his particular case no benefit be derived, unless the absence of benefit and of public need of improvement make it manifest that the burden amounts to spoliation. *Preston vs. Rudd*, 84 Ky. 150; 7 R. 806.

(19) In an action to subject property to the payment of claim for street improvement, the petition must allege the publication of the ordinance providing for the improvement, and an offer to prove the fact without such an averment will not avail. *Preston, etc., vs. Stengel*, 6 R. 451.

(20) While, in order to enforce a lien for street improvements, it is necessary to allege and prove every step necessary to create the lien, the allegation that an ordinance was passed is not a mere legal conclusion, but the averment of a fact, and is sufficient. *Johnson vs. Ferrell*, 8 R. 216.

(21) It must appear affirmatively that every step necessary to create

among and assessed upon the lots or parcels of real estate abutting on such improvement according to the number of front or abutting feet. There shall be a lien upon such lots or parcels of real estate for the part of the cost of such improvement so assessed thereon, and the same shall bear interest from the time of the assessment. All such liens may be enforced by action. The city shall pay the cost of the improvement of intersections, of public ways. The cost of making sidewalks, including curb-

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the lien has been taken. *Weingartner vs. Spinks*, 5 R. 250.

(22) Under the charter of the city of Louisville the proper averments in a petition of all the steps leading to the creation of a lien for the cost of street improvement, supported by copies of the record of the proceedings of the general council, create in the face of a mere denial a *prima facie* case, and, therefore, notwithstanding an answer denying the allegations of a petition, the plaintiff is in the absence of testimony entitled to judgment. *Zable vs. Louisville Baptist Orphan Home*, 92 Ky. 89; 13 R. 385.

(23) Owner of corner lots must make improvement on both streets, although he has no outlet to one. *Elder vs. Cassily*, 21 R. 1274.

(24) Assessment paid under mistake of law can not be recovered of the city. *Brands vs. City of Louisville*, 23 R. 442; *McCan vs. City of Louisville*, 23 R. 558.

(25) A lien given by a city charter for local assessment for street improvements is prior and paramount to a lien created by mortgage, when the mortgage lien was created after the adoption of the charter, but before the passage of the ordinance requiring the im-

provement to be made. *Dressman vs. Farmers' and Traders' National Bank*, 100 Ky. 571.

(26) A lot may be assessed to the full extent that it borders on the improved street without reference to frontage on another street. *Meyer vs. City of Covington*, 103 Ky. 546; 20 R. 239.

(27) Agricultural land within city liable for street assessments. *Barber A. P. Co. vs. Gaar*, 24 R. 2227; *Duker vs. Barber A. P. Co.*, 25 R. 135.—Railroad right of way is liable. *Figg vs. L. & N. R. R. Co.*, 25 R. 350; *L. N. R. R. Co. vs. Barber A. P. Co.*, 25 R. 1024; *Orth vs. B. B. Park & Co.*, 25 R. 1910.—Public school property not liable. *City of Louisville vs. Leatherman*, 99 Ky. 213; 18 R. 124; *City of Louisville vs. McNorton*, 19 R. 1695.

(28) Personal judgment can not be rendered against a property owner for the amount assessed against his abutting property. *Meyer vs. City*, 103 Ky. 546; 20 R. 239; *Woodward vs. Coollett*, 20 R. 1066; *Barker vs. So. Construction Co.*, 20 R. 796.

(29) A requirement of a contractor to deposit bonds amounting to ten per cent. of the original contract price of the work to secure

ing, whether by original construction or reconstruction, shall be apportioned to the front foot, as owned by the parties respectively fronting said improvement, and paid by them. Such cost shall be assessed as the cost of the construction of streets, and there shall be a like lien for such assessment enforceable in like manner.

**§ 3097. BONDS ISSUED TO PAY FOR COSTS OF IMPROVEMENTS.**—The general council may issue bonds to bear not exceeding six per centum per annum interest to provide funds to pay for the part of the cost of any improvement that is under this act to be paid by the city.

**§ 3098. PROPERTY OWNERS — WHEN PERMITTED TO MAKE IMPROVEMENTS.**—The general council may, in its discretion, upon a petition of a majority of the property owners on the part of the public way proposed to be improved, grant them permission to improve said public way under the supervision of, and within such time as may be fixed by, the superintendent of public works.

**§ 3099. INSPECTION AND RECEIPT OF WORK — NOTICE OF**

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repairs necessary for five years, where it is also provided that the guaranty includes only repairs made necessary by defective work or materials, does not burden the property owner with an expense which should be borne by the city. *City of Louisville vs. Mehler*, 108 Ky. 436; 22 R. 62.—A guarantee to keep in repair generally for five years does add the cost of repairs for which the city itself is liable, and not the property owner. *Fehler vs. Gosnell*, 18 R. 238; 99 Ky. 380.

(30) *Limitation.*—Kentucky Statutes, § 2515, bars in five years a liability to pay for street improvement. *City of Lexington vs. Crosthwaite*, 25 R. 1898. But where city liable on written contract, fifteen year statute governs. *Louisville vs. McNaughton*, 24 R. 1153.—Action seeking new apportionment of cost barred in five years from time of

first apportionment. *Gleason's Admir. vs. P. & B. Stone Co.*, 23 R. 1740.

(31) *What Constitutes Construction and Reconstruction.*—The mere grading of a dirt road so as to form a crown and leave depressions on the sides for surface draining, and the leveling of inequalities, does not constitute a street construction. *Barfield vs. Gleason*, 23 R. 128; judgment modified, *Barfield vs. City of Louisville*, 23 R. 1102.

(32) Street improvement made by paving with brick in place of a macadamized street laid thirty years previously was an original construction. *City of Catlettsburg vs. Self*, 25 R. 161. To same effect. *Adams vs. City of Ashland*, 26 Ky. 184; and see also *Wyman vs. Barbour Asphalt Paving Co.*, 25 R. 1135.

(33) *Reconstruction—meaning of.* *Levy vs. Coyne*, 22 R. 493.

§ 3099. (1) When the provisions

TIME AND PLACE.—When any such improvements have been made, and the contract therefor completed, the superintendent of public works shall, by one insertion in the official newspaper, give notice of the time and place fixed for the inspection and reception of the work by the superintendent, and the property owners, their agents and representatives, may appear and be heard as to whether such improvements have been made in accordance with the ordinance authorizing the same, and the contract therefor.

§ 3100. ERROR IN PROCEEDINGS—COUNCIL OR COURT MAY CORRECT — ORDINANCE, HOW PASSED.—No error in the proceedings of the general council shall exempt from payment, after the

of a city charter, relating to the improvement of the city streets, requires the city engineer to inspect and approve the work before the owners of adjacent property are liable for such improvement, the engineer's duties are *quasi* judicial, must be performed by himself in person and not by deputy. Harris vs. Zable, 5 R. 114.

(2) The notice which the charter of the city of Louisville requires to be given by the city engineer of the time and place fixed for the inspection and reception of the improvements on the public ways is sufficient, although published but once, and that on a holiday; two days' notice is sufficient. Boone, Trustee, etc., vs. Gleason, 5 R. 169.

(3) The city council is the sole judge of the manner of execution and character of work done in making street improvements, and when such work is accepted by the council, the adjacent lot owners can not resist the collection of the cost thereof on the ground of a defective execution of the work. Murray, etc., vs. Tucker, etc., 10 Bush 240; City of Henderson vs. Lambert, 14 Bush

24; Bogard vs. O'Brien, 14 R. 648; Joyes vs. Shadburn, 11 R. 892; 10 R. 493; Whitfield vs. Hippel, 11 R. 386. The city council is the sole judge of the necessity as well as the propriety of improving a street. Worthington vs. City of Covington, 82 Ky. 265; 6 R. 237; 3 R. 392.—Construction and effect of the section (2837) of the charter of first-class cities, very similar to this. Richardson vs. Mehler, 23 R. 917.

(4) When work has been accepted by a city, and there is no claim of fraud or collusion, the acceptance is conclusive evidence that the work was performed according to the contract. Baldrick vs. Gast, 25 R. 1977; Eversole vs. Walsh, 25 R. 784.

§ 3100. (1) A contractor can not recover of the city of Louisville for street improvement when the owners of adjacent property have been released from liability by reason of the failure of the city council to take proper steps to make them liable. Redd & Bro. vs. City of Louisville, 5 R. 57.

(2) Failure to name owner and fix sum in apportioning an assess-

work has been done, as required by either the ordinance or contract; but the general council, or the courts in which suits may be pending, shall make all corrections, rules and orders to do justice to all parties concerned; and in no event, if such improvement be made as is provided for, either by ordinance or contract, shall the city be liable for such improvement without the right to enforce it against the property receiving the benefit thereof; but no ordinance for any original improvement mentioned in this act shall pass both boards of the general council at the same meeting, and at least two weeks shall elapse between the passage of any such ordinance from one board to the other.

ment in particular case held not fatally defective. Covington vs. Boyle, 6 Bush 204.

(3) Error in proceedings of council will not exempt lot owner from payment after work has been done. City of Lexington vs. Woolfolk, 25 R. 1817; City vs. Clark, 105 Ky. 392; 20 R. 1265; B. A. P. Co. vs. Gaar, 24 R. 2227; and see City vs. Selvage, 106 Ky. 730; 21 R. 349; Gosnell vs. City, 104 Ky. 201; 20 R. 519; 106 Ky. 125; 20 R. 1694; Frankfort vs. Farmers' Bank, 22 R. 1738. Isenberg vs. Selvage, 19 R. 1963; 103 Ky. 260; Tennessee Paving Brick Co. vs. Barker, 22 R. 1969—when no plans and specifications were on file in office. Horne vs. Mehler, 23 R. 1176.

(4) Assessment will not be disturbed unless it appears affirmatively that under proper method the property owner would be charged materially less. Button vs. Gast, 24 R. 2284; B. A. P. Co. vs. Gaar, 24 R. 2287.

(5) When city, not property owners, liable. Murphy vs. Louisville, 9 Bush 189; Guthrie vs. Louisville, 6 B. M. 575; Louisville vs. Nevin,

10 Bush 696; Louisville vs. Leatherman, 99 Ky. 213; 18 R. 124; Kaye vs. Hall, 13 B. M., 455; City of Louisville vs. Tyler, 111 Ky. 588; 23 R. 827; City of Louisville vs. Bitzer, 24 R. 2263; City of Louisville vs. McNaughton, 19 R. 1695, and see City of Louisville vs. Gleason, 24 R. 1491; and see Covington vs. McKenna, etc., 27 R. 784.

(6) In computing the time which must elapse between the passage of a street improvement ordinance by one board and its passage by the other board, the day upon which the ordinance was first passed should be counted. Fehler vs. Gosnell, 99 Ky. 380; 18 R. 238.

(7) Under a provision that at least two weeks shall elapse between the passage from one board to another of an ordinance for original street improvement, such an ordinance passed by one board on March 17, and by the other on March 31, is valid. City of Louisville vs. Selvage, 21 R. 349. Such an ordinance passed by one board April 5, and by the other April 19, is valid. Gleason vs. Burnett, 20 R. 1865.

*New Sect  
Good v  
Heller v  
McKenna v  
Bush 204*

§ 3101. TEN-YEAR PLAN — BONDS — NON-PAYMENT OF ASSESSMENT — COLLECTION — SINKING FUND.—The general council may provide that any such construction or reconstruction shall be made on the ten-year plan; and thereupon, when any such improvement has been completed and accepted, a notice shall be given by publication in the official newspaper, requiring the property owners to pay the local taxes levied on their property; and if any of such local taxes be not paid by such property owners, then to provide a fund for the immediate payment of such portion of the entire cost of such improvement, or re-improvement as the abutting property holders shall be liable for, but may not pay in cash, in conformity with said notice, the general council is authorized to borrow money at a rate of interest not exceeding six per cent. per annum, in anticipation of the collection of a special tax or assessment for such improvement or re-improvement, from such property holders, and to issue the bonds of the city therefor in the manner and form herein provided, pledging the faith and credit of the city for the payment of the principal and interest thereof. Said bonds shall be divided into ten series, each series to be as nearly equal as possible, said series to be paid respectively in one, two, three, four, five, six, seven, eight, nine and ten years after date. Said bonds shall be of the denomination of one hundred dollars, or its multiple, not exceeding one thousand dollars, and shall bear interest at the rate of not exceeding six per cent. per annum. The bonds shall have the name of street, alley, market space or public square, or portion thereof, for the improvement of which they are used, printed, engraved or written thereon. Any odd amount remaining after the issuing of said bonds of the denomination of one hundred dollars, or its multiple, as herein provided, may be paid in cash out of the general fund of the city, or may at the option of the general council be included in a separate bond, payable in ten years from date,

§ 3101. (1) Under the provisions of § 3101, Kentucky Statutes, authorizing cities of the second class to construct streets at the expense of abutting property owners, and giving said property owners the op-

tion to pay upon the ten-year plan, and providing for the immediate payment for said work by sale of city bonds to be paid one-tenth each year, the city can not issue such bonds without a submission to a vote

drawing like interest as the bonds herein provided for. The owner or owners of each lot or parcel of land bounding or abutting upon such improvement or re-improvement, and who does not pay in cash the entire amount of assessment or tax due from his lot or parcel of land as above provided, shall pay annually, at such time as shall be specified in the assessing ordinance of the general council, one-tenth of the amount of the assessment or tax due from his lot or parcel of land, together with five per cent. interest thereon, and five per cent. interest upon the remaining assessment unpaid, and such payments shall continue to be made until the entire amount of the assessment and interest shall be paid. In default of such payment at such times, the same penalty shall attach on the amount so payable as attaches to the non-payment of other municipal taxes, and shall be collected, together with amount so due from the owner or owners of such lot or parcel of land, in the same manner as other city taxes and penalties are collected for municipal purposes. And such assessments and penalty shall be and remain a lien upon such lot or parcel of land until the same has been fully paid and satisfied. It shall be the duty of the city treasurer, immediately on default of payment in cash of the assessment upon said property at the time specified by the general council, to forthwith certify all unpaid assessments to the city auditor, and cause the same to be placed upon the tax duplicate with other taxes. The annual assessment, and all portions thereof, shall be paid to the city treasurer when collected, and shall go into the sinking fund of the city, and shall

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of the people where the sale of the bonds will cause the city to become indebted in an amount exceeding in any year the revenue and income provided for such year. City of Covington vs. McKenna, 99 Ky. 509, 18 R. 288; but see City of Covington vs. Nadaud, 20 R. 152, and also City of Catlettsburg vs. Self, 25 R. 161.

(2) A void bond issue under this section did not relieve the lot owner of his liability for the special assessment, which the city was nevertheless entitled to collect, and which it was bound solely to apply to the debt incurred for the improvement. Gedge vs. City of Covington, 26 R. 273.

(3) As to limits of indebtedness and issual of bonds, see City of Covington vs. McKenna, 99 Ky. 508, 18 R. 288; City of Covington vs. Nadaud, 103 Ky. 455, 20 R. 151; also compare City of Catlettsburg vs. Self, 25 R. 161.

(4) Civil Code, § 694, Sub-section

be by the sinking fund commissioners applied, as far as practicable, to the payment or purchase of bonds issued in anticipation of their collection and the interest thereon, as the same shall become due; but if impracticable, the same shall be invested as other funds of the sinking fund are required to be invested.

§ 3102. ASSESSMENT RESTRICTED.—No local assessment for street improvement shall exceed one-half of the value of the property assessed.

§ 3103. UNIFORM SYSTEM TO BE ADOPTED.—Subject to the limitations and restrictions herein contained, the general council shall, by ordinance, adopt a uniform system to govern and regulate the construction and reconstruction of all public ways and sidewalks of the city. And when such uniform system is so adopted, then the general council may therein provide that part, and if so, what part, of the cost of original construction of any public way shall be paid by the city; and when such provision is so made, the same shall not be changed, but shall thereafter apply to the original construction or improvement of all public ways.

§ 3104. REVENUE FROM WATER-WORKS APPLIED TO PUBLIC WAYS.—The net revenue derived by any city of the second class from its water-works shall be applied exclusively to the re-improvement or reconstruction of the streets and the other public ways of the city.

(c) *Sewers.*

§ 3105. CONSTRUCTION—COST—HOW APPORTIONED—LIMIT—COLLECTION—LIEN.—The general council shall have power to

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3, does not apply to proceedings to sell property to satisfy one of several installments for street improvements due others not being due. District, etc., vs. Schneider, 106 Ky. 605, 21 R. 212.

§ 3102. (1) Where cost does not amount to spoliation. Duker vs. B. A. P. Co., 25 R. 135; Bullit vs. Salvage, 20 R. 599; Agusta vs. McKibben, 22 R. 1224.

(2) When cost amounts to spolia-

tion. See Louisville vs. Bitzer, 24 R. 2263; James vs. City of Louisville, 19 R. 447.

§ 3103. (1) An ordinance requiring a contract for construction of streets to be let after advertising to lowest and best bidder, passed in pursuance of this section, is binding until duly modified or repealed. Fineran vs. Central Bitulithic Co., 25 R. 876.

§ 3105. (1) When property own-

construct sewers along or under any of the streets, alleys or highways of the city, and may assess the entire cost, including intersections, of constructing the same to an amount not exceeding one dollar per front foot of the abutting property upon the lots and lands bounding or abutting upon said streets, alleys or highways in, under or along which the sewers shall have been constructed; the cost of the construction of sewers, not exceeding said sum of one dollar per front foot of the abutting property, shall be apportioned equally on the said abutting lot owners according to the front feet. When the amount of the quotient, after dividing the entire cost of the construction of the sewer, as estimated and computed to the general council by the engineer, by the number of front or abutting feet, exceeds the sum of one dollar per front or abutting foot, then, and in that event, the entire cost of construction of said sewer shall be assessed upon the lots and lands in the neighborhood of said sewer which may be benefited thereby,

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ers actually had notice of and appeared to prevent the passage of an ordinance providing for sewer improvements and for assessment upon the abutting property to pay the costs thereof, such parties can not complain that the ordinance was not published as required by law.

The decision of the city council, which passed the ordinance to build a sewer upon the question whether the public need demands the improvement will be regarded as final, unless the absence of benefit and public need makes it manifest that it is spoliation and not legitimate taxation.

The acceptance of the work by the city council is conclusive that the work was done in accordance with the specifications. *Allen vs. Woods*, 20 R. 59.

(2) A municipal corporation is responsible for damages caused by the want of due care and skill in con-

structing a sewer; and also for the insufficient size or capacity thereof. *City of Covington vs. Glennon*, 2 R. 215.

(3) Liability of city for insufficiency of capacity of sewers and drainage in general. *Covington vs. Glennon*, 22 R. 615; *Louisville vs. Gimpel*, 22 R. 1110; *Louisville vs. Norris*, 23 R. 1195, 111 Ky. 903; for obstruction of sewers, *Louisville vs. O'Maley*, 21 R. 873.

(4) Obstruction or diversion of the flow of surface water. *Kemper vs. Louisville*, 77 Ky. 87; *McArthur vs. Dayton*, 19 R. 1882; *Thoman vs. City of Covington*, 23 R. 117; *Finley vs. Williamsburgh*, 24 R. 1336; *Hay vs. City of Lexington*, 24 R. 1495.

(5) Liable for discharge on adjacent lands. *City of Covington vs. Berry*, 27 R. 962.

(6) The assessment may be made as to every street upon which lot

according to the benefits received; and in every such case the council shall, by ordinance, fix and determine the amount of tax to be levied upon the several lots or lands so benefited. The general council may, however, out of the general fund, contribute and pay towards the construction of such sewer, such part thereof as may to the council seem proper. The tax provided for in this section shall be a lien upon such abutting or benefited property, as the case may be, and may be collected and enforced as street improvement liens are collected and enforced; but the amount of sewer tax assessed against any lot or land shall in no event exceed one dollar per front or abutting foot.

#### SUBDIVISION V.

##### (a) Mayor.

§ 3106. ELECTION AND TERM OF OFFICE.—The chief executive officer of the city shall be the mayor. He shall be elected for a term of four years, by the qualified voters of the city. (*Appointments to be made by mayor, Secs. 3118, 3126, 3137, 3143. Mayor pro tem., Sec. 3204.*)

§ 3107. INELIGIBLE FOR RE-ELECTION — QUALIFICATIONS — TAKE OFFICE — DUTIES — SALARY.—The mayor shall be ineligible for the succeeding term after the expiration of the term for which he shall have been elected. He shall be not less than thirty years of age, and possess the same qualifications, and rest under the same disabilities, that are required of the general council; and, in addition thereto, shall have been a resident and voter of the city not less than three years next preceding his election. He shall commence the execution of the duties of his office on the first Monday in January succeeding his election, and shall continue in the execution thereof until his successor shall have been duly

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abuts and in which a sewer is constructed. Rich vs. Woods, 26 R. 799

(7) For construction of sewers under laws prior to present Constitution, see Warren vs. City of Newport, 23 R. 1006; Dyer vs. City of Newport, 26 R. 204.

§ 3107. (1) Eligibility, see eligibility of members of general council, notes to § 3043.

(2) While, as a rule, the mayor has no authority by virtue of his office to authorize litigation on behalf of the city, or employ counsel

elected and qualified. He shall receive at stated times, for his services, a compensation to be fixed by ordinance, not exceeding \$4,000 per annum. He shall see that all ordinances and by-laws of the city are duly executed and put in force; he shall see that all officers and employes of the city shall discharge their respective duties faithfully and efficiently, and upon their failure to do so, shall report same to general council.

§ 3108. FILLING VACANCIES IN OFFICE—DUTY AS TO PUBLIC PROPERTY AND CONTRACTS WITH CITY.—He shall have power, except as otherwise provided in this act, to fill vacancies in office, which shall not expire until such vacancies shall have been filled according to the provisions of this act. He shall have the care and superintendence of all the public property of the city, and shall execute all contracts for the city, authorized and directed by ordinance, and shall see that all contracts with the city are conducted and completed according to the contract.

§ 3109. MAY REQUIRE INFORMATION FROM OFFICERS.—He may require information in writing from the executive and ministerial officers of the city upon any subject relating to the duties of their respective offices.

§ 3110. COMMUNICATIONS TO COUNCIL — MAY CONVENE IT.—He shall, from time to time, give to the general council information in regard to the affairs of the city, and recommend to their consideration such measures as he may deem expedient; he may, for special reasons, convene the general council at any time.

§ 3111. OFFICE TO BE KEPT IN CONVENIENT PLACE — DISCHARGE OF PRISONERS.—He shall keep an office at some convenient place in the city, as prescribed by ordinance, and shall have power to administer oaths. He may discharge from confinement any person convicted and sentenced in the police court, and shall file with the board of aldermen a statement in writing of his reasons therefor, which statement shall always be open to public inspection.

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to represent it, cases of emergency may arise when the power must necessarily exist. Louisville vs. Murphy, 86 Ky. 53, 9 R. 310; Owensboro

vs. Weir, 95 Ky. 158, 15 R. 506; 14 R. 710; as to what constitutes an emergency, see case last cited.

§ 3112. OFFICIAL BONDS—DUTIES IN REGARD TO.—He shall see that every officer who is required to give bond has duly given said bond and qualified before he enters on the duties of his office. If the mayor permit any officer to be without bond, he shall be responsible for the defaults of such officer so long as the same shall continue.

§ 3113. REQUIREMENT OF ANNUAL STATEMENT OF OFFICERS — REPORT TO COUNCIL.—He shall annually require of the executive and ministerial officers of the city a detailed statement in writing of the business and condition of their respective offices, which annual statement he shall embody in a report, with such other suggestions, recommendations and information as he may deem proper, which report he shall present to each board of the general council, which shall be ordered printed by the general council.

§ 3114. APPROVAL OF ORDINANCES—PROCEEDINGS IN COUNCIL UPON DISAPPROVAL—EFFECT.—Every proposed ordinance or joint resolution which has passed the general council shall be presented to the mayor, and if he approves it, he shall sign it, and return it to the board in which it originated; but if he disapproves it, he shall return it, with his objections in writing, to the board in which it originated; and said board shall then reconsider the same, and if two-thirds of the members-elect concur in adopting it again, it shall be sent, with the mayor's objections, to the other board, when it shall also be reconsidered, and if passed by a vote of two-thirds of the members-elect, it shall be in full force and effect; in such cases, the vote of such board shall be taken by yeas and nays, and recorded in the journal. Should the mayor fail to approve a proposed ordinance or resolution within twenty days after presentation to him, he shall be deemed to have disapproved the same, and thereupon the same course shall be pur-

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§ 3114. (1) Where the mayor of the city of the first class returned an ordinance with a message in writing addressed "to the general council," calling attention to the fact that the ordinance, in violation of Kentucky Statutes, § 2777, had been

passed by both boards on same day, and requesting that mistake be rectified "by the reconsideration and passage of the ordinance to-night," the mayor's message was not a veto message or a statement of his objections, but merely a request that one

sued with reference thereto as if he had in fact disapproved the same. The general council may authorize the mayor to appoint a clerk, and the general council shall fix his compensation.

§ 3115. PROCESS AND NOTICES TO BE SERVED ON MAYOR — NOTICE TO COUNCIL.—All legal process or notice of any kind for or against said city shall be executed upon the mayor thereof, who shall communicate the same to the general council at the next meeting of the board thereof, which shall meet first after the service of said process or notice, and shall also communicate the same to the proper officers of said city upon reception by him

§ 3116. OTHER DUTIES.—The mayor shall discharge such other duties as may be required of him by ordinance.

§ 3117. OFFICIAL NEWSPAPER SELECTED BY CITY ATTORNEY — ORDINANCES AND PROCEEDINGS TO BE PUBLISHED.—That the city attorney shall annually select a daily newspaper to be known as the official newspaper of the city, and in such official newspaper for the term of one year shall be regularly and promptly published a correct and full abstract of the proceedings of both boards of the general council, and all ordinances, resolutions and notices which, under this act, or the ordinances of the city, may be required to be published; but the price for such publication shall not exceed the regular advertising rates for such newspaper. The city attorney may examine the subscription books and other evidence offered by competitors to enable him to reach a just determination, and his determination shall be final. No ordinance or resolution appropriating or paying less than fifty dollars shall be published, nor shall ordinances for street or other public improvements or proposals or bids for such improvements include details of specifications, but these shall in the proper office be open to examination, and the notices shall so state. All acts or parts of acts inconsistent herewith are hereby repealed. (*Section*

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of the boards pass the ordinance.  
Oswald vs. Gosnell, 21 R. 1660.

§ 3115. (1) An indorsement by the city attorney acknowledging service of a notice of a mechanic's lien against the city is sufficient to cause the lien to attach, especially where

the plaintiff was prevented from serving it on the mayor, and was informed by the city attorney that his acceptance was sufficient. Ausbeck vs. Schardein, 20 R. 178.

§ 3117. (1) As to publication, see Notes 5, 6 and 7 to § 3045.

*as amended by act of March 18, 1902; the original section was amended by act of March 15, 1898.)*

(b) *Superintendent of Public Works.*

§ 3118. APPOINTED AND REMOVED BY MAYOR—POWERS AND DUTIES.—The mayor shall appoint a superintendent of public works, subject to the approval of the board of aldermen, for a term of two years; and he shall be subject to removal by the mayor, upon the approval of the board of aldermen. But said superintendent shall not undertake any improvements or perform any work, or make any appointments or employments, until said work and improvements shall have been authorized by ordinance, and until the number and compensation of appointees and employes shall have been fixed by ordinance, and the city shall not be held to any liability incurred by said superintendent in violation of this provision.

§ 3119. DUTIES IN REGARD TO PUBLIC WAYS AND PLACES—BRIDGES, WHARVES.—Said superintendent shall supervise the paving, grading, construction and reconstruction of the sidewalks and roadways of all streets and alleys and public grounds in the city; the cleaning, sprinkling, repairing and improving of all streets, avenues, alleys and public places; the constructing, altering, repairing and managing of all bridges, wharves, culverts, receiving basins, sewers, drains and water courses within the city; the laying of gas, water and sewer pipes through any street or alley, and the issuing of permits for the connecting with any gas, water or sewer pipe; the laying down and repairing of all sidewalks, cross-walks, curbing and guttering; the constructing of all vaults under any portion of the streets.

§ 3120. SUPERINTENDENCE OF IMPROVEMENTS—REGULATIONS—REPORT OF EXPENDITURES.—Said superintendent shall exercise such other powers and perform such other duties in the superintendence of public works, improvements and repairs constructed by the authority of the general council or owned by the city, as may be prescribed by ordinance. Said superintendent shall make all necessary regulations for the government of the department, not inconsistent with this act or any ordinance of the city. It shall be the duty of the superintendent to keep an accu-

rate account of all work done in his department, showing the amount expended for original improvements and construction, and the amount for repairs, superintendence and other expenditures, exhibiting the source of expenditure; and it shall be the duty of said superintendent to make a report in writing to the general council once every three months, or oftener if thereto required, giving the expenditure of the work under his control, and a statement of the conditions and progress of the work in his charge.

§ 3121. ESTIMATE OF EXPENDITURES FOR ENSUING YEAR TO BE SUBMITTED TO AUDITOR.—The superintendent, at the beginning of each fiscal year, shall submit to the auditor a statement of the estimated amount required by his department for repairs and improvements during the ensuing year. Such statement shall be in detail, and the same shall be laid before the general council by the auditor. The general council, in the first apportionment ordinance of the fiscal year, shall set apart such amount as may be deemed necessary for the purposes of said board, payable out of the next annual revenue of the city.

§ 3122. BOOKS TO BE KEPT SHOWING RECEIPTS AND EXPENDITURES.—It shall be the duty of such superintendent to keep books showing, with accuracy, the receipts and expenditures of his department in such manner as to enable the same to be understood and investigated, and also to preserve on file in the office duplicate vouchers for all expenditures, which books and vouchers shall at all times be open to the examination of the auditor, or to the financial committee of the general council, or to any member of the general council.

§ 3123. PAYMENT OF SALARIES AND EXPENSES.—All bills and accounts of said superintendent, and all salaries and compensation of appointees and employes, shall be allowed and paid in the same manner that the bills, accounts, salaries and compensations of other officers, persons, appointees and employes of or against the city are paid.

§ 3124. CHARGE OF GAS, ELECTRIC LIGHT WORKS, WHARVES.—Said superintendent shall have charge, control and supervision of the city's gas, electric light works, wharves, parks and market-houses.

§ 3125. ESTABLISHMENT OF BOARD OF PUBLIC WORKS —

OFFICE OF SUPERINTENDENT TO CEASE.—The general council may, by ordinance, establish a board of public works, to consist of three members. Said board, if established, shall be appointed as said superintendent is authorized to be appointed, and for the same term. When such board is established, said office of superintendent shall cease. Said board, if established, shall not be abolished within six years. The compensation of said superintendent and said board, if established, shall be fixed by the general council.

(c) *Auditor.*

§ 3126. APPOINTED BY MAYOR — TERM OF OFFICE — QUALIFICATIONS.—The mayor shall, on or before July succeeding his election, appoint, with the advice and consent of the board of aldermen, an auditor, for the term of two years, and until his successor is duly appointed and qualified. He shall be an elector of the city, and a resident of the city for five years next preceding his appointment.

§ 3127. DUTIES OF AUDITOR.—The auditor shall be the general accountant of the city, and as such it shall be his duty to receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts or contracts of the city, its debts, revenues and the fiscal affairs, and to adopt a proper mode and manner of double-entry book-keeping. He shall state and render all accounts filed or kept in his office between the city and other persons or body-corporate, except when otherwise provided by law or ordinance. He shall examine, adjust and audit all unsettled accounts, claims and demands against the city for payment of which any money may be drawn from the treasury, and after having examined the same, with all accompanying vouchers and documents, shall certify thereon the balance or true state of such claim or demand; but no such claim or demand, or any part thereof, shall be audited against the city unless it is authorized by law or ordinance, and is in proper and fully itemized form, and unless the amount required for the payment of

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§ 3127. (1) Evidence of assistant engineer concerning records of which he is not custodian held in-

competent in City vs. Cassidy, 105 Ky. 424, 20 R. 1348.

same shall have been appropriated for that purpose by the general council, or until a classified list of such claims and demands has been approved by the auditing committee and reported to and ordered to be paid by the general council. He shall have power to administer oaths, and may require statements of accounts, to be verified by affidavit, whenever he thinks proper, and he shall keep all accounts of the city, general and special, in a systematical and orderly manner. He shall keep all accounts and memorandums of claims against the city properly filed and indexed. (*May examine records of police and justices' courts, Sec. 3211.*)

§ 3128. DUTIES OF AUDITOR—BOOKS OPEN TO INSPECTION.—He shall keep accounts of all money received by the city from any officer or agent thereof, either from collections, loans, sale of bonds, fees, fines, penalties or otherwise, and see that they shall be deposited in the treasury regularly once a day, unless otherwise provided by law or ordinance; and in case the provisions of this section are not complied with, shall report such delinquencies to the mayor and general council. His books shall be public records, and open at all times to inspection by the mayor and members of the general council, and under proper regulations to the public. He shall report the balance in the treasury each day to the mayor, and at the regular monthly meetings of the general council shall report the unexpended balances on all appropriations.

§ 3129. SUPERVISION OF FISCAL AFFAIRS — POWERS, RIGHTS AND DUTIES.—He shall exercise a general superintendence over the fiscal affairs of the city; the collection and return into the treasury of all money and revenue of the city; the disbursements of all revenues and moneys of the city; of all property, assets and claims, and the sale or other disposition thereof; and by and with the consent of the mayor shall see that all necessary official and legal proceedings are had for the protection of the city's interests in all such property, assets and claims; that proper rules and regulations are prescribed and observed in relation to all accounts, settlements and reports connected with the fiscal concerns of the city; that no liability is incurred or expenditure made on behalf of the city without due authority of law; and that appropriations are not overdrawn. He is especially charged with the preservation of the credit and honor of the city in relation to its public

debt and other liabilities; and shall, with the mayor's written approval, do and perform any and all acts and things not inconsistent with the provisions of this act, and any ordinances thereunder, as may be proper to accomplish the duties contemplated herein. He shall make annual reports to the general council, and to the mayor on his request, on the financial condition and requirements of the city, with careful estimates of receipts and expenditures. The records of his office shall show the financial operations, conditions, property, assets and claims of the city, the expenditures authorized for public works, and all contracts with the names of contractors, in which the city is interested, and the bonded and other indebtedness of the city; he shall countersign all warrants drawn on the treasurer for any payments, and shall duly record the amount and nature of the same. He shall have access to the books and other records of any department under the city government whenever he so desires, and he shall see that the accounts of the city are kept in a plain methodical manner. He shall have a seat in either board of the general council, with a right to debate on any question pertaining to his department, but shall have no vote.

§ 3130. DUTY IN REGARD TO JUDGMENTS AGAINST CITY.—Should any judgment be rendered against the city, for which no provision has been made by ordinance or otherwise, he is authorized, with the approval of the mayor and general council, to effect a temporary loan to meet the same, and to do and perform all other acts, with the approval of the mayor and general council, necessary to preserve the credit and prosperity or rights of the city.

(d) *City Treasurer.*

§ 3131. ELECTION OF — QUALIFICATIONS.—There shall be a city treasurer elected by the qualified voters of the city. No person shall be eligible to the office of city treasurer who is not twenty-five years of age, and who has not been for three years preceding his election an elector of the city.

§ 3132. BOND — SALARY — DUTIES — DEPOSITORY OF CITY

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§ 3132. (1) The treasurer is *ex-officio* treasurer of the Board of Education, and said board can not give said official any additional salary

FUNDS TO EXECUTE BOND.—The treasurer shall give such bond and receive such salary as the general council shall by ordinance provide. In addition to such other duties as may be required herein, or as may be provided by ordinance, he shall receive all funds of the city and deposit them in the city depository before he shall pay out any of them, and he shall not pay out any money save on duly authenticated orders, and then by check or order on the city depository. The city depository shall be one of the banks of the city, which shall be selected and designated by the city treasurer. He shall make daily deposits in such depository of all money received by him for the city in the preceding twenty-four hours. He shall furnish to the auditor once in each month, and at any time when demanded, a certificate from the city depository showing the balance on hand to the credit of the city, and also a statement of the gross amount and numbers of the warrants or orders on the treasurer paid by him since his preceding report. The depository shall, before the city funds shall be deposited with it, execute to the satisfaction of the general council bond, in such sum or penalty as the general council shall fix, for the faithful care and payment of all funds intrusted to it.

(e) *City Clerk.*

§ 3133. DUTIES OF THE CLERK — ORDINANCES TO BE PRESENTED TO THE MAYOR.— It shall be the duty of the city clerk, in person or by deputy, to attend all meetings of the general council, both in joint and separate sessions, and to keep a true record, properly indexed, of its proceedings, to promptly and without delay present to the mayor for his consideration and action all ordinances, resolutions or by-laws passed by the general council, taking the receipt of the mayor therefor, showing the date of delivery to the mayor, and shall also note of record the action of the mayor thereon. The clerk shall keep the seal of the city, and affix the same when required by law.

§ 3134. ORDINANCES AND PAPERS DELIVERED TO AUDITOR.—

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therefor. B. of Ed. of Lexington vs. Moore, 114 Ky. 640, 24 R. 1478.

§ 3133. (1) This section implies

the authority to create the office of deputy clerk. Lowry vs. City of Lexington, 113 Ky. 763, 24 R. 516.

Said clerk shall deliver to the auditor all ordinances, by-laws, resolutions, contracts, original papers and documents of every character, or copies thereof, taking his receipt therefor, showing the date of delivery, which receipt the clerk shall note of record; but no ordinance, by-law or resolution shall be so delivered until the same shall have become a law and in force and effect, save as to publication.

§ 3135. WARRANTS — LICENSES — SHALL MAKE COPIES ORDERED TO BE MADE.— Said clerk shall sign all warrants on the treasury, shall issue all licenses authorized or required by law or ordinance, and shall make out and copy all assessment, license and tax-books as may be prescribed by law or ordinance, and deliver same to the proper officials.

§ 3136. CUSTODY OF RECORDS — ATTESTATION OF OFFICIAL ACTS — PUBLIC PRINTING — BOND.— He shall have the custody of the public records, the original or engrossed copies of ordinances of the city; all original or copies of contracts, deeds and certificates relative to the title of any property of the city; all original or copies of official, penal, indemnity and security bonds, and such other records, papers and documents of value as are not required to be deposited in any other office, all of which shall be registered by numbers, date and contents. He shall keep the contract book and ordinance book of the city, and have all contracts and ordinances accurately entered and engrossed in said books respectively. He shall attest all public instruments and official acts of the mayor by his signature and the seal of the city. He shall make copies of such original documents, records and papers in his office as may be required by any officer or person, and charge therefor such fees as may be provided by ordinance, said fees to be for the use and benefit of the city. He shall have general supervision of the public printing, and see that it is properly executed, and shall file and preserve in his office printed copies of all ordinances passed by the general council which become laws. He shall register and preserve in his office all contracts, bonds, oaths or affirmations taken or given by city officers or employes, and may administer such oaths or affirmations. He

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§ 3135. See *Baker vs. Lexington*, 21 R. 902, Note 1, § 3076.

shall give bond for the faithful performance of his official duties, in the sum of not less than ten thousand dollars, with such solvent security as may be approved by the mayor and general council, and shall receive such salary and perform such other duties as the general council may provide by ordinance. (*Section as amended by act of March 15, 1898.*)

(f) *Police and Fire Commissioners*

§ 3137. APPOINTED—QUALIFICATIONS—TERM OF OFFICE—SALARIES—MAYOR, CHAIRMAN.—The mayor, subject to the approval of the board of aldermen, shall appoint four citizens and freeholders of the city, who shall have been electors of the city for five years preceding their appointment, and who shall not be less than thirty years of age, and not related to the mayor by blood or marriage, who, together with the mayor, shall compose a board of police and fire commissioners. The mayor shall be *ex-officio* chairman of said board. Said commissioners shall be appointed for a term of one, two, three and four years, respectively, upon the taking effect of this act, and every year thereafter, as the terms of office of the said commissioners shall expire, respectively, there shall be one commissioner appointed for a term of four years, and the mayor shall fill all vacancies that may occur in said board. The salaries of the commissioners may be fixed by the general council. The city clerk shall act as clerk of said board.

§ 3138. POWERS—APPOINTMENT AND REMOVAL OF CHIEF OF DEPARTMENTS AND SUBORDINATES.—The said commissioners shall have full control over the police and fire departments of the city, together with all the property and paraphernalia thereof or belonging thereto, and may make or ordain and put into execution such by-laws, rules and regulations for the government of said departments as may be deemed expedient, and may prescribe the qualifications of the firemen and officers and members of the police and fire departments, respectively. They shall appoint a chief of

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§ 3137. Mayor's appointment of a member of the board of police and fire commissioners to fill a vacancy need not be confirmed by the board

of aldermen. *Watkins vs. Mooney*,  
24 R. 1469.

§ 3138. Right of policemen to compensation under charter of cities

police and all policemen, and a chief of the fire department and all subordinates, and shall fix the salary of the chiefs of all departments, and prescribe their duties, and they may grade the officers of said departments and prescribe their several duties, and may remove them with or without cause.

§ 3139. DUTIES OF COMMISSIONERS.—They are expressly charged with the duty of having the chiefs and the members of the police and fire departments to faithfully discharge such duties as may be imposed by law or prescribed by ordinance, and to that end may remove any member of either department with or without cause.

§ 3140. NUMBER OF FIREMEN AND POLICEMEN — SALARIES.—The number of firemen or policemen and officers of either department may be such as the general council may, from time to time, ordain, and may be increased or diminished upon petition of the commissioners in that behalf; and said general council shall, by ordinance, provide for the payment of salaries of the firemen and policemen and officers of either of the said departments, and other expenses thereof.

§ 3141. OATH AND BOND OF POLICEMEN — ELIGIBILITY.—Each member of the police force, before entering upon the discharge of his duties, shall take an oath before the mayor to well and truly discharge the duties of his office, which oath shall be subscribed by the person taking it, and shall be preserved on file

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of first class—where laid off without authority. See City of Louisville vs. Gorley, 25 R. 2174.

§ 3139. (1) Policemen of city of Lexington are removable at pleasure, with or without cause, by the board of police commissioners.

The reduction of the salaries of policemen is not prohibited by § 161 of the Constitution. They have no term of office, and that section applies alone to officers whose terms are fixed by law. City of Lexington vs. Rennick, 20 R. 1609, 105 Ky. 779.

(2) For removal in cities of first class, see Gorley vs. City of Louis-

ville, 104 Ky. 372, 20 R. 602; Krakel vs. Neumeyer, 110 Ky. 624, 23 R. 190, and see Gorley vs. City of Louisville, 23 R. 1782.

§ 3141. (1) A city is not responsible for injury, either to person or property, resulting from the negligence of its police officer. Jolly's Administratrix vs. City of Hawesville, 89 Ky. 279, 11 R. 477. See Taylor vs. Owensboro, 17 R. 856; Bean vs. City of Middlesboro, 22 R. 415.

(2) Informality of bond given "to the city of Newport," not naming the Commonwealth of Kentucky as

in the office of the auditor. Each policeman shall give such bond as may be prescribed by ordinance, with securities satisfactory to the police and fire commissioners, for the faithful discharge of his duties. No person convicted of felony shall be eligible as a policeman. (*Policemen to execute bond, see Sec. 3168.*)

§ 3142. CHIEF OF FIRE DEPARTMENT — POWERS AND DUTIES — It shall be the duty of the chief of the fire department to be present at all fires, and investigate the cause thereof, and may examine witnesses, compel the production of testimony, administer oaths, make arrests, and enter any building for the purpose of examination, which, in his opinion, is in danger from fires; and he shall report his proceedings to the general council at such times as may be required. Said chief shall direct and control the operations of the firemen at all times, and they shall obey his orders and directions; and he shall have full access to and use of all cisterns and fire-plugs, and of the waters of the water-works, or the cisterns of private persons, for the purpose of extinguishing fires; and he shall, at all times, have access to and right to examine all cisterns and all plugs and pipes of the water-works, to see that the same are in proper condition for use in case of fire; and he shall have full control of all buildings belonging to the fire department, and of all hose, wagons, engines, horses and other appliances and apparatus provided for said department, and of the firemen at all times in the discharge of their duties; and he shall perform such other duties not herein specifically imposed as general council shall, by ordinance, prescribe.

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the obligee of the bond, would not prevent recovery thereon. Connelly vs. Am. B. & T. Co., 113 Ky. 903, 24 R. 714.

As to pleading, etc., see Connelly vs. Am. B. & T. Co., *supra*; Johnson vs. Williams, 23 R. 658; Finnell vs. Bohannon, 19 R. 1587.

§ 3142. (1) A city corporation is not responsible to the owner of property consumed by fire on the ground that it failed to keep cisterns filled with water, fire hooks, etc., whereby

a fire might have been extinguished. Patch vs. City of Covington, 17 B. Mon. 722; Sandusky vs. City of Central City, 22 R. 669.

(2) For injuries caused by the negligence of firemen, appointed and paid by the city, when engaged in their line of duty, the city of Louisville, being required by law to establish and maintain a fire department, is not liable. Greenwood vs. Louisville, 13 Bush 226.

§ 3142a. 2. FIRE DEPARTMENT UNDER CONTROL OF COMMISSIONERS.—That the government, administration, disposition and discipline of the fire department, and the officers, members and employes thereof, shall be such as the board of police and fire commissioners may, and is hereby authorized, from time to time, by rules, orders and regulations to prescribe. (*First section is omitted as immaterial.*)

3. *Charges against members heard and determined by commissioners.*—The police and fire commissioners shall have power, and it is authorized to adopt rules and regulations for the examining, hearing, investigation and determining of charges made or preferred against members of the fire department or employes thereof, but no officer, member or employe thereof shall be fined, reprimanded, removed, suspended or dismissed from the fire department until written charges have been made or preferred against him or them, nor until such charges have been examined, heard and investigated before said board and sustained.

4. *Salaries of members of department.*—The said fire department shall consist of one chief, whose salary shall not be less than one hundred and fifty dollars per month; the engineer's salary shall be eighty dollars per month; the electrician's salary shall be seventy dollars per month, and the ordinary fireman's salary shall be sixty-five dollars per month.

5. *Appointment — qualifications and discipline.*—The manner of the appointment of the said members of the fire department and their qualifications, and control and discipline of said department, is not intended to be changed by this act, but to be controlled by the rules and regulations and laws as heretofore.

6. *Pension fund — trustees of — treasurer and secretary.*—There shall be organized in connection with said department a board, to be known as the board of trustees of the firemen's pen-

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§ 3142a. (1) Legislature has no power to fix salaries of firemen or other municipal employees; this act, so far as it undertakes to regulate salaries, is invalid. *City of Lexington vs. Thompson*, 24 R. 324, 113 Ky. 540; and see *McDonald vs. City*

of Louisville, 24 R. 271, 113 Ky. 425.

(2) Pension fund for fireman, see *McDonald vs. City*, 24 R. 271, holding a pension act for first-class cities unconstitutional, in so far as it undertook, without consent of municipality, to impose a tax.

sion fund, which shall be composed of the mayor of the city, chief of the fire department and police and fire commissioners, and said board shall select from their number a president. The city treasurer shall be *ex-officio* treasurer of said board, and the funds coming into its hands. A secretary shall be elected by ballot by the members of the fire department for a term of two years, said election to be directed by proper rules of said board.

7. *Taxes for — other resources — investment of fund — trustees.*—There shall be set apart by the general council each year one-half of one per centum of the general tax levy received for municipal purposes for said year as a fund for the pensioning of crippled and disabled members of the fire department, and of the widows and dependent children under the age of sixteen years, and dependent fathers and mothers of deceased members of the fire department of said cities, and all moneys withheld from the officers, members or employes of the fire department as punishment for any breach of discipline, misconduct, or violation of the rules and regulations for said department, shall be paid into said fund each month, and credited upon the pay-roll of the department, payable to said fund for that purpose; and all fines imposed by the board of police and fire commissioners upon officers, members or employes of the fire department by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts and emoluments they may be paid or given on account of extraordinary service of any officer, member or employe of the department, and all moneys received for penalties under the provisions of this act, shall be paid into the treasury to the credit of the firemen's pension fund. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund, to be called the firemen's pension fund, and the said board heretofore designated is hereby declared to be the trustee of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of the said fund; and they are empowered to make all the necessary contracts and to take all the necessary remedies in the premises.

8. *Trustees control fund — assessment of members of department.*—Said board shall have exclusive control and manage-

ment of the said fund, and all moneys donated, paid or assessed for the relief or pensioning of disabled members of the fire department, their widows and dependent children under the age of sixteen years, or dependent fathers or mothers, and shall assess each member of the fire department one per centum of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer of such city to the credit of such fund, subject to the order of such board.

9. *Trustees to dispose of fund — record of proceedings.*—The said board shall have all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by said board, and a record shall be kept of all the meetings and the proceedings of said board.

10. *Investment of fund by trustees.*—The said board of trustees shall have the power to draw such pension fund from the treasury, and may invest the same, or any part thereof, in the name of the board of trustees of the firemen's pension fund in interest-bearing bonds of the United States, or the State of Kentucky, or any city of the first-class in the State of Kentucky, and all such securities shall be deposited with the treasurer of said city, as *ex-officio* treasurer of said board, and shall be subject to the order of said board.

11. *Interest on fund — limit of fund.*—The interest received from the investment of said sum shall be applicable to the payment of pensions under this act, and it shall be within the power of the board of trustees to diminish and adjust the annual rate or per centum authorized by this act to be set apart for the firemen's pension fund from the general tax levy for municipal purposes, so that the income from interest, percentage of the salaries of the officers, members and employes, fines and other moneys received as set forth herein, shall meet the requirements of the pension list as provided by this act; *Provided*, That at no time shall the fund exceed two hundred thousand dollars.

12. *Retirement of disabled firemen — amount of pension.*—

If any officer, member or employe of the fire department, while in performance of his duty, become or shall be found, upon examination by a medical officer, ordered by said board of trustees to examine said officer, member or employe, to be physically or mentally permanently disabled by reason of service in such department, so as to render necessary his retirement from service in said department, said board of trustees shall retire such disabled member from service in such fire department; *Provided*, No such retirement on account of disability shall occur, unless said member has contracted said disability while in the service of said fire department, and upon such retirement the board of trustees shall order the payment to such disabled member of such fire department, monthly from such pension fund, a sum equal to one-half of the monthly compensation allowed to such officer, member or employe as salary at the date of his retirement. If any member of said fire department shall, while in the performance of his duty, be killed or die as the result of an injury received in the line of his duty, or to any disease contracted by reason of his occupation, or shall die from any cause whatever as the result of his service in said department, and while in said service, and shall leave a widow, or child or children under the age of sixteen years, or a dependent father or mother surviving, if said member was an unmarried man, said board of trustees shall direct the payment from said pension fund, monthly, to such widow while unmarried of thirty dollars, and for each child until it reaches the age of sixteen years, six dollars, and to the dependent father or mother, if said deceased member was unmarried and childless, thirty dollars.

13. *Deficiency in fund — pro rata reduction.*—If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefit thereof the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

14. *Retired list — amount of pension.*—Any member of the fire department of such cities having served twenty years or more in such fire department, of which the last two years shall be

continuous, may make application to be relieved from such fire department; and if his application is granted, or if he should be discharged from such department for disability or violation of the laws, rules or regulations of said board, the said board of trustees shall order and direct that such persons be paid a monthly pension equal to one-half the amount of the salary said person is or was in receipt of as a member of said department. After the decease of a member, his widow, and children under sixteen years of age, or dependent father or mother, if any survive him, shall be entitled to the pension provided for in this act. This act shall apply to all persons who are now or shall hereafter become members of any organized paid fire department in any city of the second class.

15. *Funeral expenses.*—Whenever an active or retired fireman shall die, as aforesaid, the board of trustees may appropriate from the fund a sum not exceeding one hundred dollars to the widow or family for funeral expenses, and may expend a sum not exceeding fifty dollars for the expenses of the attendance of the firemen at said funeral.

16. *Who entitled to pension.*—No person shall be entitled to receive any pension from the said fund except a regularly retired member or a regular member in good standing in said fire department, his widow, and children under the age of sixteen years, and his dependent father or mother.

17. *Treasurer—duties and bond of.*—The treasurer of the board of trustees shall be the custodian of said pension fund, and shall secure and safely keep the same, subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board, and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and properties which may come into his hands as such

treasurer, and that upon the expiration of his term of office he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of said fund. Said bond shall be filed in the office of the comptroller as other bonds, and may be sued on in the name of said city or said board to the use of said board, or any person or persons injured by a breach thereof.

18. *Warrants drawn on city for fund.*—It shall be the duty of such officer or officers of the city as are designated by law to draw warrants on the treasurer of said city, on request in writing by said board of trustees, to draw warrants on the treasurer of said city, payable to the treasurer of said board of trustees for all funds belonging to said pension fund as aforesaid.

19. *Payment of pension fund.*—All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of the board of trustees only upon warrants signed by the president of said board and countersigned by the secretary thereof, and no warrants shall be drawn except by order of the board after having been duly entered on the records of the proceedings of the board.

20. *Reports by trustees to council.*—The board of trustees shall make a report to the general council of said city of the condition of said pension fund, on the first meeting night in January in each and every year.

21. *Exemption of fund from legal process.*—No portion of said pension fund shall, before or after its order for distribution by the board of trustees to the persons entitled thereto, be held, seized, taken, subject to or detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this State for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against the beneficiary of said fund; but the said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever. (*This section is an act of March 15, 1900; the numbers of the sub-sections are the numbers of the sections of act.*)

*(g) Commissioners of Water-Works.*

§ 3143. APPOINTMENT — MEMBERS — QUALIFICATIONS — BOND — POWERS AND DUTIES — TREASURER.— In such cities of the second class as own a water-works system there shall be a board, to be styled “The Commissioners of Water-works,” to be composed of three members appointed by the mayor, subject to the approval of the board of aldermen. They shall have the qualifications required for aldermen, their terms of office shall be three years and until their successors are appointed and qualified, except that the members first appointed under this act shall be appointed for one, two and three years, respectively, and thereafter one member shall be appointed each year for a term of three years. The first appointments of said commissioners shall be made in May, 1894. Said commissioners shall give bond for the faithful performance of their duties in the sum of \$5,000, and they shall be paid such compensation as the general council may fix, not exceeding \$500 per annum, nor less than \$300 each per annum. Said commissioners shall control and manage the water-works and water system of the city, subject to such regulations and limitations as the general council may, by ordinance, provide; they may appoint and remove a superintendent, secretary and other necessary employes, and allow them such compensation as the general council may approve. They shall make full monthly reports to the general council of the operation and condition of the water-works or water system of the city, including all receipts, expenditures, repairs and work connected therewith. The city treasurer shall be *ex-officio* treasurer of said board. Two members of said board shall constitute a quorum for the transaction of all business of the board. (*Section as amended by act of March 15, 1898.*)

*(h) City Engineer.*

§ 3144. ELECTION — QUALIFICATIONS AND TERM — SALARY — DUTIES — CERTIFICATE OF COMPETENCY.—There shall be elected

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§ 3143. (1) The “Commissioners of Water Works” are not a body corporate, but merely a department of the city. City of Newport vs.

Commonwealth, 106 Ky. 434, 21 R. 42.

§ 3144. (1) The exercise of the power of the city council to deter-

by the qualified voters of the city, a city engineer, who shall hold his office for four years, and until his successor is elected and qualified. He shall be not less than twenty-five years of age and an elector of the city. His duties and salary shall be such as the general council may prescribe by ordinance; the general council may, before he enters upon the discharge of his duties, require that he shall obtain a certificate of competency in all branches of civil engineering relating to the duties of his office from three expert civil engineers, selected by the general council. (*Candidate for civil engineer must have certificate of competency, see Sec. 3173.*)

§ 3144a. DUTIES OF ENGINEER — ASSISTANT — SALARIES.—The duties of the city engineer shall be to supervise all work which is done by, for or on account of the city which properly comes within his department, and he shall recommend to the general council the employment of such labor and the purchase of such material, in the performance of his duties, as he may deem necessary for the best interests of the city. All work of a public character shall be inspected by him, as well as all materials used in such work, and both the work done and materials used shall be accepted by him. He may select an assistant, provided said office of assistant has been or may be created by ordinance, who shall serve during his term of office, whose duties shall be to keep a record of all transfers of real estate, on a block map to be kept by the city, and to render such assistance to the city engineer as may be necessary, and as he may be directed by the engineer to perform. The salary of the engineer shall be fixed by the general council, and shall not be less than eighteen hundred nor more than twenty-four hundred dollars per annum. The salary of the deputy shall be likewise fixed, and shall not be less than six hundred dollars per annum nor more than twelve hundred dollars per annum. So much of said section [3144] as may be in conflict

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mine the necessity of street improvements can not be delegated to the city engineer. Murray vs. Tucker, 73 Ky. (10 Bush) 240. As to delegation of powers to city engineer,

see further, Hydes vs. Joyes, 67 Ky. 464; City of Henderson vs. Brown, 7 R. 609; Keller vs. Gleason, 15 R. 445.

herewith is hereby repealed. (*This section is an act of March 18, 1902, purporting to amend Sec. 3144.*)

(i) *City Jailer.*

**§ 3145. ELECTION — QUALIFICATION — TERM — DEPUTY — SALARIES — DUTIES.**—There shall be elected by the qualified voters of the city a city jailer, who shall be not less than twenty-five years of age and an elector of the city. He shall hold his office for four years and until his successor is elected and qualified. He shall perform such duties as the general council may, by ordinance, prescribe. His compensation for said duties shall not be less than one thousand five hundred dollars, nor shall it exceed two thousand five hundred dollars per annum. The city jailer shall be furnished a deputy by the city. Said deputy shall be appointed by the city jailer. Said deputy shall perform such duties as the general council may, by ordinance, prescribe. His compensation for said duties shall not be less than nine hundred dollars, nor shall it exceed one thousand two hundred dollars per annum. All the property, machinery and equipments of the city jail shall be under the immediate control of the city jailer.  
(*Section as amended by act of March 6, 1902*)

SUBDIVISION VI.—JUDICIAL DEPARTMENT.

**§ 3146. POLICE COURT — JUDGE — ELECTION — QUALIFICATION — SALARY.**—There shall be established in and for each city

§ 3145. (1) Right of the Legislature to fix salary upheld in case under this section on the ground that the office of jailer is one established for governmental purposes. *City of Paducah vs. Evitts*, 27 R. 867.

Under the provision of this section, that the jailer "shall perform such duties as the general council shall by ordinance prescribe," an ordinance providing the jailer shall perform the duties of janitor of city hall, etc., is valid. *Id.* An ordinance denying him a deputy jailer, to that extent invalid. *Id.*

(2) Under Kentucky Statutes, § 2228, city prisoners may be confined in county jail—payment of regular fees—county has no right to exact pay. *Mason County vs. City of Maysville*, 19 R. 400.

(3) County jailer compelled to accept prisoner from police court, though commitment should have been to city workhouse—liability for keep, under, Kentucky Statutes, § 1730. *City of Lexington vs. Gentry*, 25 R. 738.

§ 3146. (1) Person appointed to fill vacancy caused by death of judge

of the second class a court, to be called the police court, to be presided over by one judge, to be elected as hereinafter provided, who shall receive for his services such salary as the general council shall fix by ordinance; and said judge shall not receive any other compensation from any source. No person shall be eligible to the office of police judge who, at the time of election, is not twenty-five years of age, a resident of the city for four years. This shall not apply to present incumbents nor to police judges elected in November, 1893. (*Vacancy, how filled, Sec. 3758, Ky. St.*)

§ 3147. JURISDICTION OF POLICE COURT.—Said court shall have exclusive original jurisdiction in all prosecutions for the violation of the ordinances of the city, and jurisdiction concurrent with the circuit court and justices of the peace of all pleas of the Commonwealth arising within the limits of the city, except cases of felony; and said court shall have power and authority to take recognizances from persons charged with offenses recognizable before said court, to appear and answer the same as the circuit courts have, and a like power to enforce compliance with the same, and as to committing criminal offenders and sending them on for trial. Said court shall have all power given by the general law to examining courts.

§ 3148. PETIT LARCENY AND VAGRANCY — JURISDICTION.—Said court shall have jurisdiction of all cases of petit larceny and vagrancy arising in said cities respectively, and the justices of the peace are hereby required to make the recognizances of all persons charged with being vagrants or with petit larceny within said

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elected in 1893 is entitled to same fees as predecessor. Stone vs. Falconer, 21 R. 1216.

(2) In towns of fourth class, as to fees for examining trial, see Thomas vs. Hagar, Auditor, 27 R. 813. See also Wadsworth vs. City, 24 R. 312.

§ 3147. (1) Circuit court has concurrent jurisdiction with the police court of offenses committed in the city when the offense is punishable at common law or under the statute,

although the city has an ordinance punishing the offense. Commonwealth vs. Hunter, 19 R. 1109.

(2) That part of this section that gives jurisdiction in excess of that of justice of the peace is void. Stone vs. City of Paducah, 27 R. 717.

(3) See Notes 4, 5, 7 and 8, § 3058, Sub-section 23.

§ 3148. (1) This section is void; violates Constitution, §§ 142, 143, Kentucky Statutes, § 1093; Stone vs. Paducah, 27 R. 717.

several cities returnable to the police court instead of the circuit court, and upon conviction of vagrancy or petit larceny, the person so convicted shall be sent to labor in the city prison or work-house for not less than three nor more than twelve months; presentment or indictment by a grand jury shall not be necessary in cases of vagrancy or petit larceny, but the person charged with either of these offenses may be arrested on warrant and tried by the police judge, and if found guilty, convicted by him. Women may be so tried and convicted on the charge of being vagrants. (*For vagrancy, see chap. 55, Acts 1904.*)

§ 3149. RIOTS, ROUTS AND UNLAWFUL ASSEMBLIES — JURISDICTION — ARREST OF OFFENDERS.—The jurisdiction of the police judge shall extend to all cases of riots, routs or unlawful assemblies within the city. Whenever said judge shall be advised or receive information on oath of any rout or unlawful assemblies of people, for the purpose of gaming or any other unlawful purpose whatever, it shall be lawful for him to issue his warrant to arrest all such offenders, directed to the sheriff or any constable of the county, or the police of the city, and if no officer be at hand to serve such warrant, then to such discreet persons as said judge shall appoint, returnable before some justice of the peace of the county, on which warrant it shall be the duty of the officer or other person to arrest and bring before said justices of the peace of the county all persons who shall be found so assembled, to be dealt with by the justices according to law; and it shall be the duty of the citizens of the city and county to attend the officer or other person, if they should be thereunto summoned, to aid and assist in arresting the persons so found guilty of infracting the law.

§ 3150. PLACES AND TIMES OF HOLDING COURT — COURTS OF RECORD — SEAL.—Said court shall be holden at such places as the general council shall designate, or they failing to designate a place, at such places as the judge shall select; and the judge shall have power to fix such time for the holding of his court as in his discretion the cases coming before him for trial may seem to him to require. Said court shall be a court of record and shall have a seal, which shall be in the custody of the judge or the clerk of

the court, to be used and affixed by said judge or clerk, as the seals of the circuit court are.

§ 3151. PRISONERS TO BE CONFINED IN JAIL.—That all persons committed by said court for default of surety for good behavior or to keep the peace, and all others whom the city is bound to maintain when committed to jail, shall be confined in the city work-house or prison, and they may be compelled to labor as many days, at such sum per day, as may be necessary to defray the reasonable cost of their board, to be, from time to time, determined by the mayor and general council.

§ 3152. RECOGNIZANCES—HOW TAKEN AND WHEN RETURNABLE—EXAMINING COURT.—That all recognizances taken by the judge of the police court, when the day is given for the appearance of the party, except in cases in which he has jurisdiction to try the matter, shall be for the appearance in the circuit court; and all recognizances, those above excepted, shall be conducted as recognizances taken and returnable by magistrates. The said judge, on the examination of criminal offenders, shall make out and sign a statement of the evidence, and shall recognize the witnesses, and shall return the statement of the evidence and the recognizances to the clerk of the circuit court.

§ 3153. JUDGMENT FOR COSTS RESTRICTED.—No judgment for costs shall be rendered in favor of the city for a greater amount than the fine, unless the judge of the police court shall be of the opinion that a judgment for full costs shall be rendered against the offender, and shall so certify on the record.

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§ 3151. (1) In City of Hopkinsville vs. Boyd, keeper of workhouse, 101 Ky. 664, it was held that a section of charters of cities of the fourth class similar to this was not inconsistent with § 1377 of the Kentucky Statutes, which provides "that the jury, if the defendant is a male, may provide in their verdict that the defendant shall work at hard labor," and that a female defendant may be sent to the workhouse and com-

elled to work there. See also City of Lexington vs. Gentry, 25 R. 738, Note 3, § 3145.

(2) This section includes idiots, insane persons and inebriates; but these persons can not be compelled to labor, for such would be involuntary servitude and in violation of both State and Federal Constitutions. Stone, etc., vs. Paducah, 27 R. 717.

§ 3154. WITNESS AND JURY FEES.—The general council shall have power, by ordinance, to fix and regulate witness and jury fees in the said police court; *Provided*, That said fees shall not exceed those allowed by law in the justice's court.

§ 3155. FINES AND COSTS FOR BENEFIT OF CITY.—All fines and penalties and costs collected in the police court shall be for the use and benefit of the city, and the officer collecting such fines and penalties shall make daily reports of such collections to the treasurer, taking duplicate receipts therefor, one of which shall be delivered to the auditor.

§ 3156. PROCESS — HOW ISSUED AND TO WHOM DIRECTED.—Said court may award all process, original, mesne and final, that may be deemed necessary and proper for the due distribution of justice within its jurisdiction. Said process may be directed to and executed by the chief of police, or any policeman or any sheriff or constable within the State.

§ 3157. CLERK — JUDGE TO ACT AS, EXCEPT.—The judge of the police court shall act as the clerk of his own court, unless otherwise provided by ordinance, or may appoint a clerk for his court. The city, however, shall not be liable for the compensation of such clerk if so appointed.

§ 3158. COURT ALWAYS OPEN — CASES, HOW SET — PROCESS — Said court shall always be open for the trial of causes and hearing of complaints, and may set cases for particular days, and may make process returnable to any day within named or forthwith, when the nature of the case may so require.

§ 3159. RECOGNIZANCES FOR APPEARANCE AND TO KEEP THE PEACE.—Said court shall have power to take recognizances for the appearance in said court of persons charged with offenses recognizable in said court; also recognizances to keep the peace and be of good behavior for the period of one year.

§ 3160. JURY—WHEN ALLOWED—SIX JURORS.—Said judge,

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§ 3156. (1) Constitution, § 123, providing that all prosecutions shall be in name and by the authority of the Commonwealth of Kentucky, does not preclude, in cities of the first class, a prosecution in a municipi-

pal court, in the name of the city, for the violation of an ordinance. City of Louisville vs. Wehmhoff, 25 R. 995.

§ 3160. (1) A denial of trial by jury where penalty is \$25 or less is

in all causes tried before said court, may empanel a jury, and where the punishment may be a fine of \$25 or more, or imprisonment in the jail or work-house, other than the commutation of a fine, the defendant or accused may, at or before the cause is called for trial, but not afterwards, demand a jury, who shall try the facts and be governed by the instructions of the court as to the law; and in all other cases the judge shall try and determine both the law and facts. A jury in said court shall consist of six jurors, who shall be summoned by the chief of police or police officer under his direction. They shall have the same qualifications as are required of jurors in the circuit court, and the court shall have the same power to hold or excuse their attendance that circuit courts have.

§ 3161. POLICEMEN OFFICERS OF THE COURT — ATTENDANCE.—All regular policemen of the city shall be officers of the said court, and the chief of police, or some policeman delegated by him, shall be in constant attendance upon the sessions of the said court, and subject to its order.

§ 3162. COSTS — COMMITMENT FOR NON-PAYMENT — COLLECTION.—Said court may assess, in addition to fine or imprisonment, any sum in his discretion, not exceeding three dollars, as costs against any defendant when convicted of any offense for which, if not paid, the defendant shall be committed to imprisonment in jail or work-house, as in case of fines. All fines, costs and forfeitures shall be collected by the chief of police and paid into the city treasury, and duplicate receipt shall be given therefor, one of which shall be filed with the city auditor.

§ 3163. REPLEVIN BOND ENFORCED BY PROCEEDINGS FOR CONTEMPT.—The city judge shall keep a register of all replevin bonds taken by the court, and as soon as replevin bonds fall due, he shall notify the principal or sureties of its maturity, and if the same are not immediately paid, he may enforce the payment thereof against any or all of said persons by proceeding as for contempt.

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not unconstitutional. Labor penalties may be inflicted on persons convicted of misdemeanors. *Stone vs. Paducah*, 27 R. 717. See also *City vs. Holly*, 22 R. 358.

§ 3162. (1) Offender may be imprisoned for costs as well as fine where authorized by city charter. *Berry vs. Brislan*, 86 Ky. 5, 9 R. 223.

§ 3164. TERRITORIAL JURISDICTION — OHIO AND LICKING RIVERS.—The territorial jurisdiction of the said court shall be co-extensive with the corporate limits of the said several cities; and said court, in cities bordering on the Ohio river, shall have jurisdiction over said river opposite to the city to low-water mark on the Ohio side, and in cities on the Licking river over said Licking river to the opposite shore.

§ 3165. CITY ATTORNEY—ELECTION AND TERM OF OFFICE—DUTIES.—There shall be elected by the qualified voters of the city a city attorney, who shall hold his office for four years. The city attorney shall appear for the city in all cases in the police court, and prosecute or defend in behalf of the city all appeals from the decisions of the said court in which the city may be a party, or is in any way interested; and shall perform such other duties as the general council may prescribe by ordinance, and such as may be required of him by the city solicitor.

§ 3166. CITY SOLICITOR—ELECTION AND TERM OF OFFICE—QUALIFICATIONS—DUTIES.—A city solicitor shall be elected for a term of four years. He shall be a regularly admitted and practicing attorney-at-law. He shall appear for the city, and attend to all cases in the circuit court and Court of Appeals, wherein the city may be a party complainant or defendant, or a party in interest; he shall give advice to any and all city officials, and to the general council, and shall attend the meetings of both boards of the general council, or of any committee thereof, when requested; and shall supervise the preparation of all contracts to which the

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§ 3165. (1) The city attorney of a city of the first class has no power to compromise claims for taxes either before or after suit is brought. *City of Louisville vs. Louisville Ry. Co., 111 Ky. 1, 23 R. 390.*

Council in cities of first class can not control his action in reference to litigation properly placed in his hands. *Id.*

(2) An agreement by city that a suit involving the right of the city

to collect a tax shall abide the result of another suit, to which the city is not a party and of which it has no control, does not bind it, as the power of taxation is a sovereign power, and can not be lost in this way. *Board, etc., vs. Deposit Bank, 22 R. 1384, 466.*

See also *Long vs. L. & N. Ry. Co., 21 R. 463*, cited in note 2 § 3838, Sub-section 26.

city may be a party, and perform such other duties as may be prescribed by ordinance. (*Office may be abolished, Sec. 3171.*)

§ 3167. SALARIES OF SOLICITOR AND ATTORNEY.—The city solicitor and city attorney shall be paid such salaries as the general council shall deem proper.

§ 3168. CHIEF OF POLICE TO ATTEND COUNCIL AND POLICE COURT — BOND — DUTIES — LIABILITIES.—The chief of police shall, by himself, or any policeman acting under his authority, attend all the sessions of council and of the police court, execute the orders thereof, and preserve order thereat. He shall, by himself, or policeman acting under his authority, execute all orders emanating from the police court directed to him. He shall collect the fees of the judge of the police court and of the mayor, if required. He and policemen acting under him shall execute such bond, with such surety as may be required by ordinance, to the city, conditioned that they will faithfully perform all the duties of their office, and pay over all sums of money that may come into their hands to the persons entitled thereto; and a lien shall exist on the lands of the chief of police or policeman deputized by him and their sureties, and from the time of executing bond, for all sums of money that shall come into their hands. He shall be entitled to receive the same fees for the use of the city, for like services, which sheriffs are entitled to receive, and have the same power to collect them. He and policemen deputized by him, and all others to whom the process of the police court shall be directed and come for execution, shall be bound to execute and return the same within the time prescribed by law for sheriffs to execute and return similar processes, and on their failure they and their sureties shall be liable to the same fines and penalties that sheriffs are, and also for not paying over moneys collected on execution, and for making illegal charges for false returns and other illegal acts; and said court shall have power to hear and determine motions against them and their sureties for failure to pay over said moneys so collected, in like manner as the circuit court has power and jurisdiction to hear and determine motions against defaulting sheriffs, or to proceed by fines and imprisonment to enforce the due execution and return of process as other courts require.

§ 3169. ATTACHMENT ON RETURN OF "NOT FOUND" OR "NO PROPERTY."—That a return of "not found" on a *capias pro fine*, and of no property found on a *fieri facias* issued on judgments in the said court, shall authorize an attachment out of chancery in favor of the Commonwealth or the city against the choses in action and effects of the defendant or defendants in the same manner that the return of no property authorizes an attachment on judgments in the circuit court.

§ 3170. JUDGE PRO TEMPORE OF POLICE COURT — MAYOR.—That in the absence of the police judge of the city at any session of the police court, or if in any case it may not be proper for him to sit, the mayor of the city may act in his stead, and in the absence of both the police judge and the mayor, or if in any case it may not be proper for either of them to sit, the members of the bar present may elect one of their number to act as police judge *pro tempore*, and the mayor or such person so selected, as the case may be, shall have the same judicial authority and exercise the same judicial powers, for the time being, as are possessed and exercised by the police judge under this act. Such *pro tempore* judge shall be paid the same salary for the time he acts as is allowed by law to the regular judge, to be deducted from the salary of such regular judge.

§ 3171. OFFICE OF SOLICITOR MAY BE ABOLISHED.—By ordinance the general council may provide that the office of city solicitor shall be abolished, and thereupon the duties of the city solicitor shall be performed by the city attorney.

#### SUBDIVISION VII.—ELECTIONS.

§ 3172. OFFICERS AND MEMBERS OF COUNCIL — ELECTION AND TERMS OF OFFICE — WHO QUALIFIED VOTER — OFFICES THAT MAY BE ABOLISHED OR RE-CREATED.—All offices created by laws in force prior to this act taking effect, not herein expressly pro-

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§ 3172. (1) Mayors of cities of the second class elected in 1893 were elected for a term of two years, and election held under this section in 1895 is valid. Lexington vs. Wil-

son, 97 Ky. 707; Duncan vs. Simrall, 19 R. 1672.

(2) Cities of second class are limited in the creation of offices to such offices as had theretofore been in ex-

vided for, shall be, and they are hereby, abolished upon the expiration of the terms for which present incumbents may have been respectively elected; but the general council shall have power, by ordinance, to re-create such of said offices, and to prescribe the terms and duties thereof, as may be needed to effect the corporate purposes. At the regular election in 1895, and every four years thereafter, there shall be elected by the qualified voters of the city a mayor, city clerk, city treasurer, city attorney, city solicitor, if there be such officer, and civil engineer and assessor and city jailer, who shall hold office for a period of four years, and until their successors are elected and qualified; also members of the board of aldermen and members of the board of councilmen, who shall hold office as hereinafter provided, and until their successors are elected and qualified. At the general election in 1897, and every four years thereafter, there shall be elected a judge of the police court. All officers elected under this act shall assume the duties of their several offices on the first Monday in January succeeding their election. The members of the general council elected in 1895 shall hold their offices, one-half of them for one year, and one-half of them for two years, as shall be determined by lot at their first meeting after election; and every year thereafter shall be elected for two years, as the term of the incumbent shall expire; and said lot shall be so arranged that not less than one member of said board of councilmen shall be elected from each ward in the city each year. At said election all male inhabitants of the city shall be entitled to vote who are twenty-one years of age and over, who are at the time citizens of the State of Kentucky and *bona fide* residents of the city for six months previous to said election, and of the precinct in which he offers to vote for sixty days preceding said election, and shall have registered as a voter under the general law regulating registration. All votes shall be cast by secret ballot in such manner and form as

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istence, but this does not apply to mere clerks and employees who do not perform governmental or official functions. Under this rule, assistant treasurer, assistant jailer, assistant engineer and license inspector

are municipal officers; while the ambulance driver, patrol-wagon driver, assessor's clerk, mayor's clerk, and stenographer to clerk's office are not such officers. *Lowry vs. City of Lexington*, 113 Ky. 763, 24 R. 516.

may be prescribed, and all contested elections shall be tried as provided by general law for the election of State officers.

§ 3173. REQUISITES OF CANDIDATE FOR CIVIL ENGINEER.—No person shall become a candidate for civil engineer who has not been a resident of the city for one year, not less than twenty-five years of age, and until he shall have obtained a certificate of his competency from a board of three expert civil engineers, to be selected by the general council. (*See Sec 3144.*)

#### SUBDIVISION VIII.—REVENUE AND TAXATION.

§ 3174. AD VALOREM AND POLL TAX — ASSESSMENT OF PROPERTY — LICENSE FEES.—The city assessor shall, in the year one thousand and two [1902], and every four years thereafter,

§ 3174. (1) There is but one general system of assessment as to all property, under the present Constitution, for the purposes of government, whether State or municipal, and neither the Legislature nor a municipal corporation can classify property for taxation, or substitute a license tax for an ad valorem tax. If a license tax is imposed upon a business, it must be in addition to, and not in lieu of, an ad valorem tax upon the property employed in the business. *Levi vs. City of Louisville*, 97 Ky. 394, 16 R. 872.

(2) The fact that a taxpayer does not have his full measure of benefits and advantages from the municipal government is not the fault of the law, as the owner has his legal remedy against the municipal government. *City of Lebanon vs. Edmonds*, 101 Ky. 216, 19 R. 297.

(3) Under the provisions of § 171, Kentucky Constitution, that "taxes shall be levied and collected for public purposes only," and that they "shall be uniform upon all property

subject to taxation within the territorial limits of the authority levying the tax," real estate within the limits of municipal corporations is subject to municipal taxation without regard to any question of benefits or protection derived from the municipal government. *Board of Councilmen vs. Scott*, 101 Ky. 615, 19 R. 1068.

(4) Taxes paid under a mistake of law may be recovered back. *City of Newport vs. Ringo's Executrix*, 87 Ky. 635, 10 R. 1046.

(5) Taxes paid under a mistake of law can not be recovered back unless the payment was involuntary, and the rule which treats the payment of taxes as involuntary, when the tax collector has authority to levy and sell on the refusal to pay, does not apply to the payment of taxes by railroad corporations, as against which the collection must be enforced by judicial proceedings. *L. & N. R. R. Co. vs. Hopkins Co.*, 87 Ky. 605, 10 R. 806.

(6) Steamboats having city for

make an assessment of all real property within the corporate limits thereof, and the assessment of the real property for each of the three years subsequent to said quadrennial assessment shall be fixed at the same values as finally approved by the board of equalization in said quadrennial assessment, and shall annually make an assessment of all taxable personal property within the corporate limits thereof, and shall correct the valuation of any parcel of real estate on which any new structure of over

home port, the legal situs of the boat is the city, and the city may impose an ad valorem tax upon it. *City of Newport vs. Berry*, 14 R. 29.

(7) Under the provision in a charter authorizing the taxation of such property as "the city council may designate," a designation of "any property of any kind subject to taxation under the laws of this Commonwealth" is sufficiently descriptive. *Covington Gaslight Co. vs. City of Covington*, 84 Ky. 94.

(8) Under a charter authorizing an ad valorem tax on the "real, personal and mixed estate within the limits of said city subject to taxation by the city under the laws of the State," the city is authorized to tax money and choses in action as visible personal property. *City of Newport vs. Ringo*, 87 Ky. 635; see and compare *Johnson vs. Lexington*, 14 B. M. 648; *Covington vs. Powell*, 2 Met. 227; *Louisville vs. Henning*, 1 Bush 381; *Trigg vs. Glasgow*, 2 Bush 594.

(9) A city under a power conferred by the Legislature may levy a tax upon corporations of other States doing business in the town. *Commonwealth vs. Milton*, 12 B. M. 212.

(10) The failure of a city for many years to tax property can

work no estoppel. *Covington Gaslight Co. vs. Covington*, 84 Ky. 94.

(11) Exemption of "machinery in manufactories" from taxation does not exempt the pipes, lamp-posts and meters of a gas company. *Covington Gaslight Co. vs. Covington*, 84 Ky. 94.

(12) The mere fact that a corporation is required to pay into the State treasury as taxes a certain sum upon each share of its capital stock by or on a named day, does not manifest a legislative intent to exempt it from municipal taxation. *Kenton Insurance Co. vs. Covington*, 86 Ky. 213.

(13) Property of a city not necessary for its government as a municipal power can not be exempted by the Legislature from State taxation, except in consideration of public services. Water-works constructed and operated by a city can not be exempted. *Commonwealth vs. Makibben*, 90 Ky. 384; *Clark vs. Louisville Water Co.*, Ib. 515. City is liable for franchise tax on its water-works. *City of Newport vs. Commonwealth*, 106 Ky. 434, 21 R. 42.

(14) The fact that in the form of tax-list prescribed by the statute a certain kind of property is named is not alone sufficient to authorize the

one hundred dollars in value may have meanwhile been erected, or on which any structure of like value shall have been destroyed, and where transfers of real estate have been made, he shall make the necessary changes in the names of owners. The general council shall annually, by ordinance, levy an *ad valorem* tax upon all real and personal property, subject to taxation for State purposes, not exceeding the rate and limit prescribed by the Constitution; and may levy a poll-tax not exceeding one dollar and fifty cents on each male inhabitant thereof, and may impose fees on stock used for breeding purposes, on franchises, trades, occu-

taxation of such property. Covington Gaslight Co. vs. Covington, 92 Ky. 312.

(15) So long as municipal governments make levies of taxes within the limits prescribed by the Constitution, courts of equity will not inquire into the necessity of the levy at the suit of an individual taxpayer. Mayfield Woolen Mills vs. Mayfield, 22 R. 1676; McInerney vs. Huelefeld, 25 R. 272.

(16) Where a statute has authorized a municipal corporation to issue bonds and exercise the power of local taxation to pay them, the power of taxation thus given is a contract with the bondholders, and can not be withdrawn until the contract is satisfied. Board, etc., of Hawesville vs. Louisville H. & S. T. L. Ry. Co., 23 R. 376.

(17) The Legislature may properly classify taxpayers in devising an equal system of taxation, and may properly authorize municipal corporations to provide different systems of taxation for different kinds of corporations. German W. F. & I. Assoc. vs. Louisville, 25 R. 1697, 2097.

(18) As to constitutional restric-

tions as to amount and rate, see Constitution, §§ 157, 158; Town of Bardwell vs. Harlan, 26 R. 101.

(19) All property within city limits is liable to taxation without regard to benefits received. City of Richmond vs. Gibson, 20 R. 358; Hughes vs. Carl, 21 R. 6, 106 Ky. 533.

(20) Annexed territory is subject to taxation. Specht vs. City of Louisville, 22 R. 699.

(21) Agricultural lands within limits of town are not exempt from municipal taxation, though they derive no benefit from the town. Town of Latonia vs. Hopkins, 20 R. 620, 104 Ky. 419; Bell County Coke and Imp. Co. vs. Pineville, 23 R. 933; Shuck vs. City of Lebanon, 21 R. 969, 107 Ky. 252; Ryan vs. Central City, 21 R. 1070. Bridge property in city where corporate limits extend to low water mark on north side of Ohio liable for taxes on entire portion in said limits. Henderson Bridge Co. vs. City of Henderson, 22 R. 703; Louisville Bridge Co. vs. City of Louisville, 23 R. 1655.

(22) City's liability to pay State and county taxes. See Richardson vs. Boske, 23 R. 1209, and Note 13.

(23) A city seeking to enforce a

pations and professions, and provide for the collection thereof.  
*(Section as amended by act, March 29, 1902.)*

§ 3175. ORDINANCE SHALL SPECIFY THE PURPOSE — LIABILITY OF OFFICERS OR EMPLOYEES.—All taxes and license fees shall be levied or imposed by ordinance, and the purpose or purposes for which the same are levied or imposed shall be specified therein, and the revenue therefrom shall be expended for no other purpose than that for which it is collected. Ordinances levying taxes or imposing license fees shall distinctly specify the purpose or several purposes for which the same are levied; failure to do so shall render the ordinance invalid, and if it shall, the officer or officers, agents or employes, who could, by a refusal to act, have prevented the expenditure, and the members of the general council who voted for the expenditure, shall be jointly and severally responsible and bound to the city for the amount of such expenditure. And it may be recovered of them in an action upon the bonds of those having them, or personally against any or all of them; and it shall be the duty of the city solicitor to institute and prosecute to recovery such actions; and if he fails to do so for six months after he shall have knowledge of the same, any person may institute

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lien for taxes must proceed as the Civil Code requires as to other persons holding lien upon property, 20 R. 266. Property devoted to Masonic charitable purposes, not "purely public charity." Newport vs. Masonic Temple Ass'n, 20 R. 266.

(24) *Taxes*—When set up by answer and cross petition. Newport vs. Covington Trust Co., 22 R. 1361.

§ 3175. (1) The authorities levying a tax must specify the purpose for which it is levied. Carpenter vs. Central Covington, 26 R. 430. See City of Louisville vs. Button, 26 R. 606, in which it was held that an attempted deflection of a "general purpose" fund in cities of first class to "street sprinkling" was illegal.

(2) Where an ordinance was in-

valid for failure to specify purpose for which tax was levied, council may subsequently make a proper levy. City of Somerset vs. Somerset Banking Co., 22 R. 1129, 109 Ky. 549.

(3) The city council of Covington had no power to appropriate the revenues of the city to obtain an increase of the powers of the corporation, through persons sent by the council to appear before the General Assembly and Congress. Henderson etc., vs. City of Covington, 14 Bush 312.

(4) The city council of Covington had no authority to authorize the mayor of the city to offer a reward for the arrest of the city treasurer, who had been indicted for forgery and for the embezzlement

the action, and shall have one-half of the recovery. A recovery hereunder shall not militate against the criminal prosecution herein elsewhere provided.

*o6-464*  
§ 3176. FISCAL YEAR — PROPERTY ASSESSED AS OF SEPTEMBER FIFTEENTH — LIEN.—The fiscal year shall end at twelve o'clock at night on the thirty-first of December each year. All property shall be assessed as of the <sup>first</sup> fifteenth of September in each year, and there shall exist from that day a lien on all property subject to taxation to the city for ad valorem taxes for the fiscal year commencing on the first day of January next ensuing, including all penalties and interest that may be added thereto or accrued thereon, superior to all other liens, incumbrances and interest.

§ 3177. ASSESSOR — ELECTION AND QUALIFICATIONS — DEPUTIES — OATH AND BOND — FAILURE TO ASSESS PROPERTY — PENALTY.—An assessor shall be elected by the qualified voters of the city for the term of four years. No person shall be elected assessor who, at the time of his election, is not thirty years of age, a housekeeper in the city and a voter therein. Deputy assessors may be appointed by the assessor, with the approval of the general council, but may be removed at any time by the assessor. The assessor and his deputies shall qualify by taking the constitutional oath, and giving such bond as may, by ordinance, be required, and shall receive such salary as the general council by ordinance shall fix. Any assessor or deputy assessor who shall knowingly fail to assess any property, real or personal, subject to assessment for city taxation, shall be guilty of a misdemeanor, and, on conviction thereof in the circuit court, shall be fined not less than one hundred dollars, nor more than one thousand dollars, and shall forfeit his place, and shall not be re-elected or

of the funds of the city; and the city may be enjoined at the instance of taxpayers from paying the same. *Patton vs. Stephens*, 14 Bush 324.

(5) Under § 52, Constitution, the general council has no authority to release, in whole or part, the taxes due from any individual or corpora-

tion. *City of Louisville vs. Louisville Ry. Co.*, 111 Ky. 1, 23 R. 390.

§ 3176. (1) Property to be assessed must be within the taxing district at the time fixed by law for the assessment. *City of Latonia vs. Meyer*, 27 R. 746; but see *Swift vs. Newport*, 7 Bush 37.

reappointed thereto again until after the lapse of five years. Any assessor who shall fail to assess any lot or parcel of ground in the city shown on the plat books in the auditor's office, subject to taxation by the city, shall, on conviction thereof before the circuit court, be fined a sum equal to the taxes on said lot or parcel for the year, and one hundred dollars.

§ 3177 a. 1. ASSESSMENT OF SHARES OF STOCK IN CORPORATIONS.—That the shares of stock of every incorporated bank, trust company, guarantee or security company, and the franchise of every incorporated gas, water, ferry, bridge, street railway, express, electric light, electric power, telegraph, press dispatch, telephone, turnpike, palace car, dining car, sleeping car, and chair car company, and every other like company, corporation or association, having or exercising any special or exclusive privilege or franchise, not allowed by law to natural persons, or performing any public service, shall hereafter be valued or assessed for city taxes, in the manner hereinafter prescribed by the city assessor in cities of the first, second and third class, wherein such franchise is exercised, to the extent and in the proportion the same is therein exercised; *Provided, however,* That no assessment for city taxes shall be made by any assessor or board of valuation and assessment of the franchise of any private business, mercantile, or manufacturing corporation, whose property is not devoted to public use. (*Section as amended by act of March 13, 1900.*)

2. *Reports to be made to assessor by corporations.*—In order to determine the value of the franchises mentioned or referred to in the next preceding section, the corporations, companies and associations therein mentioned or referred to shall each annually, between September first and October first, make and deliver to the assessor of cities of the first and second class, wherein its franchise is exercised, a statement verified by its presi-

§ 3177 a. (1) The validity of this act is upheld in *Murphy vs. City*, 24 R. 1574. (But does the general revenue act of March 29, 1902, affect this act?—Ed.)

(2) For a full discussion of method and powers of State Board

of Valuation in fixing value of franchise, see *Henderson Bridge Co. vs. Commonwealth*, 99 Ky. 623, 17 R. 389; 105 Ky. 472, 20 R. 1294; 105 Ky. 710, 20 R. 1509; 24 R. 203, 24 R. 1177; 24 R. 2124, 24 R. 2530.

dent, cashier, secretary, treasurer, manager, or other chief officer or agent, in such form as the city assessor may prescribe, showing the following facts, viz.: The name and principal place of business of the corporation, company or association; the kind of business engaged in, the amount of capital stock, preferred and common; the number of shares of each; the amount of stock paid up; the par and real value thereof; the highest price at which such stock was sold at a *bona fide* sale within twelve months next before the first day of September of the year in which the statement is required to be made; the amount of surplus fund and individual profits, and the value of all other assets; the total amount of indebtedness as principal, the amounts of gross or net earnings or income, including interest on investments, and incomes from all other sources for twelve months next preceding the first day of September, of the year in which the statement is required; the amount and kind of tangible property, and where situated, assessed, or liable to assessment, and the fair cash value thereof, estimated at the price it would bring at a fair voluntary sale, and such other facts as the city assessor may require.

3. *Manner of assessing where lines of corporation extend beyond city limits.*—Where the line or lines of any such corporation, company or association extend beyond the limits of the city, the statement shall, in addition to the other facts hereinafter required, show the length of the entire lines operated, owned, leased, or controlled in the city, and the entire lines operated, owned, leased, or controlled elsewhere. If the corporation, company or association operates and conducts its business in other States as well as in this State, the statement shall show the following facts, in addition to the facts hereinafter required: The gross and net income or earnings received in the city, and out of the city on business done in the city, and the entire gross receipts of the corporation, company, or association, in the city and elsewhere, during the twelve months next before the first day of September of the year in which the assessment is required to be made. In cases where any of the facts above required are impossible to be answered correctly, or will not afford any valuable information in determining the value of the franchise to be taxed, the city assessor may excuse the officer from answering such questions;

*Provided*, That the city assessor, from said statement, and from such other evidence as he may have, if such corporation, company or association be organized under the laws of this State, shall fix the value of the capital stock of the corporation, company or association, as provided in the next succeeding section, and from the amount thus fixed shall deduct the assessed value of all tangible property assessed in this State or in the counties where situated. The remainder thus found shall be the value of its corporate franchise subject to taxation as aforesaid.

4. *Foreign corporation — franchise, how fixed.*—If the corporation, company or association be organized under the laws of any other State or government, except as provided in the next section, the city assessor shall fix the value of the capital stock, as hereinafter provided, and will determine from the amount of the gross receipts of such corporation, company or association, in the city and elsewhere, the proportion which the gross receipts in the city, within twelve months next before the first day of September of the year in which the assessment was made, bears to the entire gross receipts of the company; the same proportion of the value of the entire capital stock, less the assessed value of the tangible property assessed, or liable to assessment, shall be the correct value of the corporate franchise of such corporation, company or association for taxation in the city.

5. *Franchise of carriers — how fixed.*—If the corporation organized under the laws of this State or of some other State or government be a street railway, telegraph, telephone, express, sleeping, dining, palace or chair car company, the lines of which extend beyond the limits of the city, the city assessor will fix the value of the capital stock, as hereinafter provided, and that proportion of the value of the capital stock, which the length of the lines operated, owned, leased or controlled in the city, bears to the total length of the lines owned, leased or controlled in the city and elsewhere, shall be the value of the corporate franchise of such corporation liable for such taxation in the city; and such corporate franchise shall be liable to taxation in each city of the first class through or into which such lines pass, or are operated, in the same proportion that the length of the line in such city bears to the whole length of the lines elsewhere.

6. *Persons other than corporations — how taxed.*—Whenever any person or association of persons, not being a corporation, nor having capital stock, shall, in this State, engage in the business of any of the corporations mentioned and made subject to assessment in the first section of this act, then the capital and property, or the certificates or other evidences of the rights or interests of the holders thereof in the business or capital and property employed therein, shall be deemed and treated as the capital stock of such person or association of persons for the purposes of taxation, and all other purposes, under this act, in like manner as if such person or association of persons were a corporation.

7. *Assessor to notify corporations of assessment — application for reduction.*— It shall be the duty of the city assessor, immediately after fixing such values, to notify the corporations, companies or associations of the fact; and all such corporations, companies or associations shall have at least ten days from the time of receiving such notice to go before the board of equalization of the city and ask a change of the valuation, and may introduce evidence, and the chairman of said board is hereby authorized to summon and swear witnesses, and after hearing such evidence, the said board may change the valuation as it may deem proper, and the action of said board shall be final.

8. *Collections of franchise tax — when due.*—The city assessor shall make out and authenticate the tax bills on the assessments of franchises, as provided in this act, as well as on all assessments hereafter made by the board of valuation and assessment, which shall have the same effect as tax bills made out and authenticated by him on assessments of other property, and shall list the same with the tax receiver for collection, and said tax bills shall be due and payable at the same time, subject to the same discounts and penalties, and be collectible by distress, garnishment and suit, as now provided by law with respect to other tax bills due the city.

9. *Penalty against corporations failing to report.*—Any corporation, or officer thereof, willfully failing or refusing to make reports as required by this act, shall be deemed guilty of a misdemeanor, and for each offense shall be fined one hundred dollars, and five dollars for each day the same is not made after October

first of each year, to be recovered by indictment or civil action, in the name of the city, in the circuit court of the county in which such city is situated.

10. *Stockholders not required to list stock if corporation pays tax.*—The individual stockholders of the corporation, which is by this act required to report and pay city taxes upon the corporate franchise, shall not be required to list their shares in such corporation so long as the corporation pays the city taxes on the corporate property and franchises as herein provided.

11. *Receiver or assignee to report for corporation.*—Should any corporation required to make the report, as hereinbefore provided, be in the hands of, or under the control of a receiver, or other person, it shall be the duty of such receiver or other person to make the returns and valuations, as required by this act.

12. *Assessor may fix values if corporation fails to report.*—Should any corporation, company or association fail to make the report as required herein on or before the first day of October of each year, the city assessor shall proceed to ascertain the facts and values required by this act, in such manner and by such means as he deems proper, at the cost of the corporation, company or association failing to make the report, and shall fix the values of the corporate franchise liable for taxation, as provided in this act, and the corporation, company or association shall be taxed accordingly.

13. *Railroad exempt from this section.*—This act shall not apply to railroad or other corporations required by law to be assessed by the Railroad Commission.

(*This section is an act of March 19, 1898; the numbers of the sub-sections are the numbers of the sections of the act; it appears in Kentucky Statutes, 1903, as Section 2984a, under cities of the first class. As to assessment of certain railroad bridges see Chap. 41, Acts 1904.*)

§ 3178. ASSESSMENT AS OF SEPTEMBER FIFTEENTH AT FAIR CASH VALUE.—As of September 15, 1895, and every year there-

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§ 3178. (1) Provisions respecting the assessment of property must be followed with particularity and the

assessment must be made by the proper officer, and therefore the city assessor can not adopt the assess-

after, all the real estate in the city shall be assessed at its fair cash value, estimated at a fair voluntary sale.

§ 3179. ASSESSOR TO GIVE NOTICE—OATH—OFFICE HOURS—BLANKS—FAILURE TO GIVE LIST—PENALTY—OTHER DUTIES.—On or before the first day of September in each year the assessor shall give public notice, by advertisement in the official newspaper of the city, and by handbills posted through the city, that all persons owning or having in their possession or under their control as agent, guardian, committee, executor, administrator, curator, trustee, receiver, commissioner or otherwise, tangible or intangible personal property on the fifteenth day of September following, are required, on or before the first day of October, to give him a true and complete list of the same, with true cash value thereof, as of the fifteenth day of September, under oath, upon forms to be furnished on application by said assessor at his office, and that all merchants in the city, doing business for themselves or others, shall, in like manner, in addition thereto, state the highest amount in value of all goods, wares, merchandise owned or kept on hand for sale by said merchants during the three months next preceding such fifteenth day of September. The assessor and his deputies shall be authorized to administer oaths and affirmations, and may examine on oath any person touching his personal property, and the value thereof, and may examine merchants on oath as to the statements they are required to make. The assessor shall keep his office open, and be himself or have a deputy in attendance during the hours from 8 A. M. to 6 P. M., or such other or additional hours as may by ordinance be fixed, from

ment made by the county assessor. *Turner vs. Town of Pewee Valley*, 100 Ky. 289, 18 R. 755.

(2) Where realty in a city is by the charter made liable for taxes assessed against it, a lot which is sufficiently described in the assessment is liable, although the assessment is not made against the legal owner. *Husbands vs. City of Paducah*, 4 R. 992, 5 R. 193; *Droege vs. Woods*, 14 R. 431.

§ 3179. (1) The provisions of this section do not require a trustee to list personal property for city taxation where the beneficial owner resides elsewhere. *Lexington vs. Fishback's Trustee*, 22 R. 1392, 109 Ky. 770. See further as to situs of property and domicil of owner, *Montgomery vs. City of Lebanon*, 23 R. 891; *Town of London vs. Boyd*, 25 R. 1337.

the fifteenth day of September to and including the first day of October, excepting Sundays and legal holidays. The assessor shall constantly keep on hand, and furnish to persons lawfully requiring the same, all necessary blanks and forms for the lists and statements required by this act. Nothing herein shall, however, prevent the assessor from assessing, from the best information he can gather; and where an assessment has been made against a person who has had actual notice to appear and list his property or make statements thereof and fails to do so, the same shall not be decreased, but may be increased by the Board of Equalization. If any person refuse to attend when summoned, or to be sworn to answer or to answer any question propounded to him by the assessor or his deputy, the assessor or his deputy may, in writing, under oath, state the question, the refusal to answer it, and ask the police judge to issue a warrant against such person; and if the question appear to be a proper one, the said judge shall issue a warrant, and the said person shall, on conviction of having refused to answer the question, it being found by the court to be a proper one, be fined ten dollars, and there compelled by process of contempt to answer the question and such proper questions as the assessor may propound to him. The assessor shall assess personal property in a separate book, in which he shall separate tangible from intangible property. The word *person* as used herein shall mean natural and artificial persons, and the duties enjoined on them shall, in the case of artificial persons, be performed by the chief officer or agent in the city at the time. Whenever the assessor shall ascertain that there has, in any former year or years, been any property omitted which should have been taxed, he shall assess the same against the person who should have been assessed with it, if living, if not, against his representative.

§ 3180. ASSESSMENT BOOKS TO BE RETURNED TO AUDITOR.— On or before the first of December in each year the assessor shall return to the auditor his assessment books, certified by him to be a full, careful and honest assessment of all property within the

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§ 3180. (1) The requirements in a tax law, that the assessor shall

make his assessment and return his list to the proper office by a certain

corporate limits of the city subject to assessment; and he shall take the auditor's receipt therefor in duplicate, one of which he shall transmit to each board of the general council at its first regular meeting in December. All said books and said reports shall remain in the auditor's office, subject to the inspection of the public until they shall be transmitted to the Board of Equalization as hereinafter provided.

§ 3181. BOARD OF EQUALIZATION—QUALIFICATIONS—COMPENSATION—CHAIRMAN AND CLERK—GENERAL POWERS AND DUTIES.—There shall be a board of equalization, to consist of three citizens, who shall be selected by the mayor, with the consent of the general council. No person shall be selected as a member of said board who shall not at the time be a housekeeper and owner of real estate of the city, and shall not have been a resident thereof for five years next preceding his election. Said board shall be paid such compensation as may, by ordinance, be fixed, and shall meet at a suitable place to be provided by the city. On the first Monday in January, one thousand nine hundred and three, and every four years thereafter, they shall meet to equalize the assessment upon all real and personal property within the corporate limits of the city. They shall first be duly sworn to faithfully discharge their duties, shall elect from among themselves a chairman and a clerk, and shall then notify the auditor that they are ready to receive the assessment books, etc., which the auditor shall deliver to them, taking his receipt therefor. The assessor shall be in constant attendance on said board, and shall furnish them all information he can. They shall have the power to have all city records to be brought to them for their inspection by the custodian thereof, and if it be necessary to retain them for defense, may do so by receipting therefor to the custodian thereof. They may also interrogate any city official, who shall at their request attend them and respond to all questions. They shall have the power to

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time, is merely directory, and the making of the assessment at a later period does not render it void. Anderson vs. City of Mayfield, 93 Ky. 230, 14 R. 370.

§ 3181. (1) As to appointment of

the Board of Equalization in cities of first class, see Woolley vs. City of Louisville, 24 R. 1357; Powell vs. City of Louisville, 21 R. 554.

(2) Where an act creating a board of tax commissioners required it to

administer oaths, and they shall have the power to compel the attendance of witnesses; and all persons who shall refuse to attend them or to be sworn by them, or refuse to answer any question, shall be subject to the same penalties as provided for like refusal to the assessor. They shall first compare his real estate book with the plat books in the auditor's office, and see that every parcel of real estate in the city has been assessed, and if they find that any has been omitted, shall certify the same, giving the number of parcels omitted to the city solicitor, who shall enforce the penalty provided in Section 3177 against the assessor for so doing, and they shall assess the parcels omitted. They shall hear all complaints against the assessment made by the assessor, and shall determine the same. They shall increase or decrease assessments on like property, to make all assessments as uniform as may be, or to place a true value on the property assessed; but no increase shall be made without notice to the person whose property is to be increased, and they may, in the assessment of real estate, increase or decrease all assessments uniformly by adding or subtracting a percentage of the assessments, and a notice of such increase shall not be given except by publication in the official paper of the city. Said board shall remain in session as long as the business may require, but not to exceed four weeks. Three members shall constitute a quorum, and a majority of a quorum may determine any question before it. No change in any assessment shall be made by erasure, but there shall be appropriate columns for all changes and additions, and same shall be made in a different colored ink to that which the assessor has used. When said board shall have completed its labors, it shall prepare a statement of the gross assessment of real property and the gross

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give notice of its sittings by public advertisement, the publication of this notice was a condition precedent to the city's right to collect ad valorem taxes. Although the notice be given, if the board fails to meet at the time required by law, the levy is invalid, when the law required that said board "shall have full

power during the months of June and July," etc., and the board does not meet until June 10, the taxpayer was not required to take notice of the subsequent meeting. *Slaughter vs. City of Louisville, etc.*, 89 Ky. 112, 12 R. 61; *McCullum vs. City of Louisville*, 7 R. 684.

(3) Mandamus will not be granted

assessment of personal property, and the sum thereof, and also showing the increase or decrease, if any, in the total assessment made by them, under their signatures, which they shall return to the auditor with all the assessment books, plats and papers, etc., received from him, taking his receipt for the same, which they shall transmit to the board of councilmen. And in each of the three years subsequent to such quadrennial equalization, said board shall convene on the first Monday in January for a period not longer than six days to equalize in the same manner as herein-before provided, the assessments of any parcels of real estate upon which any new structure of the value of more than one hundred dollars shall have meanwhile been erected or upon which any structure of like value shall have been destroyed, and to equalize the assessments of all personal property. (*Section as amended by act of March 29, 1902.*)

§ 3182. AUDITOR TO VERIFY ASSESSMENT BOOKS — PROCEEDING IF MISTAKE FOUND.—The auditor shall carefully verify the statement of the board of equalization, and the assessment books returned, and if it be correct, he shall certify the same. If, however, he finds a mistake, he shall cause said equalization board to meet, and together they shall ascertain the correct amount, and the certificate of the board, indorsed by the auditor as correct, shall by him, at the first meeting in March in each year, be transmitted to the board of councilmen as a basis on which they shall predicate the annual levy ordinance.

§ 3183. WHEN COUNCIL TO PASS ORDINANCE LEVYING AND PROVIDING FOR COLLECTION OF TAX.—In the month of March of each year the general council shall pass an ordinance levying and providing for the collection of an ad valorem tax on the assessed

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to compel the board of equalization or the city council of Covington to hear the taxpayer's complaint, as they act in a judicial capacity in hearing such complaints. City of Covington vs. Ludlow, 8 R. 706.

(4) No appeal lies from action of board of equalization fixing value of property, and court will not enjoin

collection of tax on ground of excessive valuation unless it is so excessive as to amount to fraud in the assessor or amounts to spoliation. Covington vs. Shinkle, 25 R. 73.

§ 3183. (1) A city ordinance levying a tax for the fiscal year as assessed by the city assessor and equalized by the board of equaliza-

valuation of the property in said city as certified to them, which, with the estimated revenue from other sources, shall be sufficient to meet the anticipated expenditures for the current year; and said ordinance shall specifically fix the rate of taxation for each item of expenditure, and shall also apportion all other estimated revenue to such items of expenditure as they may determine.

**§ 3184. WHEN TAXES DUE AND PAYABLE — PENALTY FOR NON-PAYMENT.**—Ad valorem taxes shall be due and payable, without demand therefor, at the treasurer's office, one-half each on the first of June and the first of December in each year, but the whole tax for the year may be paid on or after the first day of June. Tax bills not paid within one calendar month after they are due shall have added to them a penalty of ten per centum on the amount thereof, and shall bear interest at the rate of six per centum per annum.

**§ 3185. AUDITOR TO DELIVER BOOKS TO CLERK — TAX BILLS — DELIVERY OF TO AUDITOR AND BY HIM TO TREASURER.**—As soon as the tax levy ordinance becomes a law, the auditor shall deliver the assessment books to the city clerk, who shall from them make out tax bills. Said bills shall show each lot, the assessment thereon, and the tax separately, shall give the name of the supposed owner, and shall give the net total assessment of personal property against said person and the tax thereon; and shall be so arranged that the items of the tax on the real estate can be detached from the items of tax on the personal property, and that each half year may be detached and have each part intelligible. There shall be a stub to each bill, which shall show in condensed form the items and amounts in the bill, and the bills and stubs shall be numbered consecutively; the stub to correspond to the

tion embraces all property in the city liable for ad valorem taxation for the fiscal year named, and not merely all the property assessed by the city assessor and equalized by the board of equalization. *City of Middlesboro vs. Coal and Iron Bank*, 22 R. 380, 108 Ky. 680.

**§ 3184. (1)** A set-off is not admissible against a demand for taxes unless expressly authorized by statute. *Anderson vs. City of Mayfield*, 93 Ky. 230, 14 R. 370. As against street improvement claim of contractor, set-off may be pleaded. *Bodley vs. Finley's Executor*, 23 R. 851, 111 Ky. 618.

bill to which it is attached. Bills and stubs to be bound in book form. On or before the first day of May in each year the clerk shall deliver the assessment books and tax bills, fully made out, to the auditor, and together they shall ascertain whether the sum of the tax bills equals the amount of tax which, at the rate fixed, the total assessment should realize, and if it does not, they shall find and arrest the error. When the two agree, the auditor shall receipt for the assessment books and tax bills. On or before the twentieth day of May in each year the auditor shall deliver all tax bills to the treasurer, and take his receipt for the gross amount of them.

§ 3186. TREASURER AND AUDITOR — DUTIES IN REGARD TO TAX BILLS — DIVIDED BILLS.—On the first Monday in the third calendar month after each half year's bill is due, the treasurer shall tear the same out of the book and return them to the auditor, taking his receipt therefor; and when he returns the second half year's bills, he shall make a full and complete settlement with the auditor, and when the same is approved by the general council, receive his quietus for ad valorem taxes for the year. The treasurer shall always note on the stub of the bill the amount paid on same, when paid, and date thereof, and if returned to the auditor, that fact. When any person shall desire to pay taxes on any one item of a tax bill, the bill shall be torn out, returned to the auditor, who shall make out as many bills as may be necessary to enable the payment desired to be made, and to supply the bill returned. On the stub of the bill returned shall be marked "divided," with the numbers of the substituted bills, and the substituted bills shall be made out on blank bills to be left at the end of the tax bill books for that purpose.

§ 3187. DELINQUENT BILLS — PERSONALTY BILLS — PROCEEDINGS UPON BILLS — SALE OF BILLS — OF PROPERTY — REDEMPTION — LIEN — JURISDICTION.—When the treasurer shall return

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§ 3187. (1) The Legislature may authorize a city to collect taxes by suit, and when this remedy is given, it will not be held to exclude a summary mode of collection already pro-

vided by statutes, nor will it be limited to cases in which the summary mode may have proved ineffectual, unless the statute so provides.

A personal judgment bearing in-

the tax bills to the auditor, the auditor shall separate the personalty bills from the realty bills. The former he shall deliver to the delinquent tax collector, taking his receipt for the same. From the latter he shall make out a list, giving block and lot numbers and total tax due, and a notice that the treasurer will, on the first Monday in the next month, sell at the court-house or city building door in the city, at public auction, to the highest bidder for cash, each of said tax bills, unless they are in the meantime paid to the treasurer. This list and notice shall be published for at least two weeks in the city's official paper. The auditor will then return the realty bills to the treasurer, who will, on said day, offer for sale, as advertised, such bills as may remain in his hands unpaid. If no one will offer the face of said bills for them, he shall buy them in for the city. The owner or owners of any lot, the tax bill on which has been so sold, shall have the privilege of redeeming the same within one year of the day of sale by paying to the treasurer the said bill, with all penalties and interest as herein provided to the day of payment. Purchasers at said sale shall not receive the tax bills, but shall receive certificates for their purchase, on surrender of which certificate, at any time after the treasurer has been paid the bill named in the certificate, he shall receive from the treasurer the amount paid, and on surrender at the end of the year, shall receive the bill with the year's interest at six per cent. per annum, and ten per cent. of the sum of the bill, penalty and interest all added by the treasurer; and he may at any time thereafter, in appropriate action, enforce the lien on the property for the full amount of the bill, with legal interest

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terest from its date may be rendered against the taxpayer, where a suit for the collection of taxes, in addition to the summary mode of collection by restraint, is authorized by statute. Greer vs. City of Covington, 83 Ky. 410, 7 R. 419, 7 R. 453; overruling City of Covington vs. People's Building Association, 4 R. 258.

(2) In an action to recover taxes it is essential to aver and show a

compliance with every duty necessary to the imposition of the burden. City of Covington vs. People's Building Association, 4 R. 258; McArthur vs. City of Dayton, 5 R. 333, 4 R. 733; McDonald vs. City of Covington, 5 R. 612; Dauber vs. City of Covington, 5 R. 865.

(3) Provisions making tax bills *prima facie* evidence have been upheld; the burden of proof shifts to taxpayer. Fonda vs. City of Louis-

from date of delivery to him. The treasurer shall make a full and complete report of said sale to the auditor. The city shall in no manner be responsible to purchasers for money received by the treasurer on bills purchased by them, but the treasurer and his official bond shall be held for the same. Tax bills for the succeeding year against property or persons delinquent for preceding years shall be stamped, "See delinquent bills," so that attention may be called thereto; and where the city owns the delinquent bill, the treasurer shall credit the money paid first to those bills, except he will not credit money offered on a realty bill to a personality bill. When the city shall buy in the tax bills, the city solicitor shall, by proper proceedings in the name of the city in the circuit court, enforce the lien on the property for the city. Tax bills shall be *prima facie* evidence of the regularity of the assessments and levy of the tax, and of the addition of penalties thereto. Any purchaser of tax bills may, as soon as any tax, State, county, district or city, on the lot named in the bill becomes delinquent, pay the same, and he may, in his original or in an amended petition, exhibit the same and have judgment including same. The circuit court shall have jurisdiction of proceedings to enforce lien for all taxes without regard to amount of same.

§ 3188. DELINQUENT TAX COLLECTOR — ELECTION — QUALIFICATIONS — BOND — POWERS — DUTIES.—The general council may, in the month of December, for a term of two years, in joint session, elect a delinquent tax collector, who shall have the same

ville, 20 R. 1652; Sherley vs. City of Louisville, 21 R. 945; Shuck vs. City of Lebanon, 21 R. 969; Alvin Co. vs. City of Louisville, 25 R. 2055.

(4) When the city buys in property sold for street improvement assessments, the provisions of this section imposing penalties and compound interest do not apply. City of Lexington vs. Woolfolk, 25 R. 1817. As to further construction of this section, Id. Owner has no right of redemption. Id.

(5) Purchase by city of property

for its taxes is a purchase for a governmental purpose. Keller vs. Wilson, 90 Ky. 350, 12 R. 471.

§ 3188. (1) Property of a gas company can not be seized and sold for taxes when the effect will be to destroy the public use; in a proper proceeding the company may be required to pay the taxes into court, or a receiver may be appointed. Covington Gaslight Co. vs. Covington, 84 Ky. 94.

(2) Under old charter of the city of Covington, the city loses its right

qualification as the treasurer. His duties, bond and compensation, which may be by fees, shall be or may be fixed by ordinance, or the general council may authorize, by ordinance the city solicitor to act as delinquent tax collector, upon execution of such bond as may be required. In the collection of tax bills placed in his hand for collection, the collector may distrain the goods and chattels owned by, or in the rightful possession of, the person from whom the tax is due, notwithstanding the existence of any lien upon the same, and may proceed to sell, for cash, the title of such persons to so much thereof as will pay the tax due and cost of sale, after first advertising the sale as constables are required to do in sales under execution; the cost of said sale shall be two dollars for the benefit of the tax collector. He shall have the power to sue out, in any justice's court in the county, an attachment on said tax bills, and the proceedings shall be same as attachment proceedings for the collection of State taxes. He shall make daily reports to the auditor of collections, giving to him a duplicate receipt from the treasury for the collections, and he shall make a settlement with the auditor whenever demanded.

§ 3189. COUNCIL MAY MODIFY OR CHANGE MANNER OF ASSESSMENT AND COLLECTION.—The general council may, at any time, by ordinance, modify, alter or change the manner of assessment of property for taxation, and the levy and collection of taxes as herein provided, and may prescribe, by ordinance, in what manner and form property shall be assessed for taxation, and taxes levied and collected thereon. No such ordinance, however, shall be valid, unless two-thirds of the members-elect to each board shall, on a call of the yeas and nays entered of record, vote therefore. That whenever a city of the third class is transferred to a city of the second class, and an assessment of property has been made by said third class city for municipal taxation, and made in anticipation of said transfer to cities of the second class, the

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to distrain for taxes unless the tax bills are placed in the hands of the collector once in each year. Kenton Insurance Co. vs. Covington, 86 Ky. 213; Covington Gaslight Co. vs. Covington, 84 Ky. 94.

(3) Tax collector was properly enjoined from levying upon plaintiff's real estate before exhausting personal property. City of Middleboro vs. N. S. B. & I. Co., 21 R. 1782, 108 Ky. 351.

same shall be valid and binding as if it had been made under the provisions of this act. (*Section as amended by act of March 19, 1902.*)

#### SUBDIVISION IX.—SINKING FUND.

§ 3190. COMMISSIONERS—WHO TO BE—DUTIES.—The mayor and president of the board of aldermen, and president of the board of councilmen, shall constitute the commissioners of the sinking fund. It shall be their duty to see that at all times the proper amount of money to pay the principal and interest of the bonded indebtedness of the city, as such may mature, is provided in due time, and preserved exclusively for the payment of said liabilities.

§ 3191. ANNUAL TAX FOR SINKING FUND PURPOSES.—It shall be the duty of the general council to levy annually a tax for sinking fund purposes upon all property returned by the Board of Equalization as subject to taxation for municipal purposes, sufficient in amount to pay interest on the bonded indebtedness of the city, and which, by accumulation, shall be sufficient to pay the principal of such indebtedness as it may mature.

§ 3192. MONEY AND BONDS TO BE KEPT SEPARATE—HOW PAID OUT.—All money, bonds and securities belonging to the sinking fund shall be kept in a separate account and such money, bonds and securities shall only be paid out or disposed of by the order of commissioners of the sinking fund, and in case of money upon a warrant signed by the city clerk, countersigned by the auditor and approved by the mayor.

§ 3193. COMMISSIONERS TO REPORT TO COUNCIL AND REQUIRE AUDITOR TO REPORT.—Said commissioners shall make monthly reports to the general council, showing the exact condition of the sinking fund and its requirements, and shall see that the auditor, before the beginning of each fiscal year, carefully and fully reports to the general council all bonds and interests which will mature and be payable during such fiscal year, and shall further see that the auditor reports to the general council, at each monthly meeting, any and all debts of the city which will mature and become payable during the ensuing month.

§ 3194. REDEMPTION OR PURCHASE OF BONDS OF CITY.—Said commissioners are required, whenever there shall be an accumu-

lation of money in the sinking fund over and above the amount required for promptly meeting the interest on the bonded indebtedness of the city, to redeem or purchase the bonds of the city at a price not exceeding the market value thereof, and such redeemed or purchased bonds shall be reported to the general council and cancelled, and a correct record of same, with date of cancellation, preserved in the office of the auditor.

§ 3195. CANCELLATION OF REDEEMED BONDS.—Whenever any city bonds or coupons shall have been paid by said commissioners of the sinking fund, they shall cause the auditor to report the same to the general council, who shall thereupon cancel the same, and the auditor shall keep a correct record thereof, together with the date of cancellation.

#### SUBDIVISION X.—GENERAL PROVISIONS.

§ 3196. EXISTING ORDINANCES AND RESOLUTIONS.—All ordinances, regulations and resolutions in force at the time this act takes effect, and not inconsistent with the provisions thereof, shall remain and be in force until altered, modified or repealed by the general council.

§ 3197. REPEAL OF PRIOR LAWS NOT TO AFFECT ACCRUED RIGHTS OR LIABILITIES.—The repeal of any law by the provisions of this act shall not in anywise be so construed as to affect any right or liability acquired or accrued thereunder, by or on the part of the city, or any person or body-corporate; and this act shall not in any manner affect any right, lien or liability accrued, established or subsisting under and by virtue of previous charters or amendments thereto or ordinances passed thereunder; but such right, lien or liability shall be enforced and such action or proceeding shall be carried on in all respects as if this act had not taken effect; nor shall this act be in anywise so construed as to affect the right or liability acquired or accrued under previous charters or amendments thereto or ordinances passed thereunder, on the part of the city or any person or body-corporate.

§ 3198. RIGHTS OF ACTION, FINES, PENALTIES AND FORFEITURES NOT AFFECTED.—All rights of action, fines, penalties and

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§ 3196. (1) See notes to § 3061, Notes 1 and 4.

forfeitures accrued to the city before this act goes into effect remain unaffected thereby, and may be prosecuted, recovered and received as fully, in every respect, as if this act had not taken effect.

**§ 3199. ORDINANCES REGARDING STREETS, ETC., REPEALED OR CONTINUED IN FORCE.**—All ordinances for the opening of any street or alley on which proceedings or work have not commenced are hereby repealed; but all such ordinances upon which proceedings and work have actually commenced shall be conducted under the law in force when it was commenced.

**§ 3200. OFFICERS TO BE APPOINTED BY THE MAYOR.**—All members of municipal boards, and all officers authorized by this act to be appointed by the mayor, may be appointed as soon as this act takes effect, and their terms of office shall begin from date of their appointment.

**§ 3201. OFFICERS — HOW REMOVED.**—Executive, judicial and ministerial officers of the city, unless otherwise herein provided, shall be removable by the board of aldermen, sitting as a court under oath or affirmation upon charges preferred by the mayor or any two members of the board of councilmen; and in case of the mayor, upon charges preferred by the board of councilmen; no person so tried shall be removed from office without the concurrence of two-thirds of the aldermen-elect; and when a person has been removed from office, he shall be ineligible thereto during the time for which he has been elected.

**§ 3202. CONSERVATORS OF THE PEACE.**—The mayor, each member of the general council, chief of police, and all police

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**§ 3201. (1)** A clerk of a board of aldermen, although also a notary public, has no authority to administer oaths to members of the board sitting as a court of impeachment; and any acts done by such board under such organization are void. *Tompert vs. Lithgow*, 64 Ky. (1 Bush) 176.

(2) Under a provision of the charter of cities of the fourth class, giving council the right to remove a

certain officer, the council has the power of removal, notwithstanding Civil Code, § 485, providing that, "for usurpation of other than county offices or franchises the action by the Commonwealth shall be instituted and prosecuted by the attorney general." *Commonwealth vs. Willis*, 19 R. 962.

(3) As to removal generally, see notes, § 3049, and *Todd, Mayor, vs. Dunlap*, etc., 99 Ky. 449, 18 R. 329.

officers, shall be conservators of the peace; and shall have and exercise such powers as conservators of the peace as may be prescribed by ordinance or general law.

§ 3203. ABSENCE OF OFFICERS FROM CITY — TEMPORARY APPOINTMENT.— In case any elective or appointive officer of the city shall be necessarily absent from the city, or unable from sickness or other cause to discharge the duties of his office, the mayor may fill such office temporarily by appointment, and said appointee shall hold and discharge the duties of the officer whose place may be thus temporarily filled, until such officer shall return or become fit for and enter on duty. Officers thus temporarily appointed shall qualify and give bond, if so required by ordinance.

§ 3204. MAYOR PRO TEMPORE.— In the event of the absence or disability of the mayor, the president of the board of aldermen shall act as mayor, and in the event of the absence or disability of both the mayor and the president of the board of aldermen, the president of the board of councilmen shall act as mayor.

§ 3205. ELIGIBILITY TO OFFICE.— No person shall be elected by the people to any office in the city who is not an elector of the city, and who has not been an actual resident of the city for one year immediately preceding his election; and they shall reside within the city limits during their continuance in office, and if any of them shall cease to reside within the said limits, his office shall be thereby vacated.

§ 3206. OFFICER INTERESTED IN CONTRACTS WITH CITY — PENALTY — DISMISSAL.— If any city officer shall be directly or indirectly interested in any contract with the city, or in any work done by the city, or in furnishing supplies for the city or any of its institutions, or in the sale of any property to or for the city,

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§ 3204. (1) Absence contemplated by this section defined in Watkins vs. Mooney, 24 R. 1469; and see also Chesapeake & O. Ry. Co. vs. City of Maysville, 24 R. 615.

§ 3205. (1) The city council has no power to add to the qualifications of the city attorney as prescribed by charter. Commonwealth vs. Willis, 19 R. 962.

§ 3206. Kentucky Statutes, § 2794 (cities of first class), providing that the mayor may by written order, "giving the reasons therefor," remove from office, etc., officers appointed by him, does not authorize removal of officers appointed for a fixed term, without notice and opportunity to be heard. Todd vs. Dunlap, 99 Ky. 449, 18 R. 329.

he shall be guilty of a misdemeanor, and any appointed officer becoming so interested shall be immediately dismissed from office by the mayor; and upon the mayor becoming satisfied that an elective officer is so interested, and reports the facts to the board of aldermen, that board of aldermen shall, as soon as practicable, convene to hear and determine the same, and if, by a two-thirds vote of the members-elect of the said board, he be found so interested, he shall be immediately dismissed from such office.

§ 3207. BRIBERY — PUNISHMENT FOR.— If any person shall pay, give, deliver, promise or offer to any member of the general council, or any other officer of the city, or any member of any of the municipal boards, any money, property or other thing of value whatever for the purpose of inducing such member or officers to do, or to abstain from doing, any act or thing in the line of or connected with his official duty, or if any member of the general council, or any other officer of the city, or member of any of the municipal boards, shall, directly or indirectly, solicit, receive or accept any bribe, compensation, fee or reward for doing, or abstaining from doing, any act or thing connected with his duty as such officer, member of the general council or member of a municipal board, or shall be in any way, or to any extent, directly or indirectly, interested in any contract with the city or any of its departments, or shall, in any way, by himself or another for his benefit, directly or indirectly, solicit or receive any share, profit, compensation or reward for or growing out of any contract with the city or any of its departments, or for or on account of any article, thing, labor or service furnished or sold to the city or any of its departments, he shall, upon conviction, under indictment, be confined in the penitentiary not less than one and not more than five years; and upon such conviction the office of any such member or officer shall be *ipso facto* vacant.

§ 3208. PROVISION FOR PUTTING THIS ACT INTO EFFECT — APPOINTMENT OF OFFICERS BY MAYOR.— For the purpose of putting into effect this act as speedily as possible, the mayor of the city is hereby authorized to fill by appointment all offices hereby established, and which have not heretofore existed in a city of the second class, until such officers can be elected as herein provided; and the officers so appointed shall be clothed with the power and

required to perform the duties of their respective office, as is in this act provided, until their successors shall be elected and qualified. In any city of the second class, where the duties herein provided for the auditor have been performed by an officer known as auditor and assessor, and wherein such officer was elected at the regular election in 1893, such officer shall no longer perform the duties of auditor, but he shall continue until the regular election in 1895, and perform the duties herein prescribed, with the assistance of such deputies as may be selected by the general council as assessor.

§ 3209. PUBLIC WORKS AND IMPROVEMENTS HERETOFORE ORDERED.—When, under laws heretofore enacted, the question of constructing or doing any public work or improvement has been submitted to popular vote in any city of the second class, and the decision upon such submission was in the affirmative, then any tax-payer may, by mandamus, compel the authorities and officers of such city to proceed with the construction and doing of said work or improvement; and may so compel the doing of all acts, proceedings and things that may be necessary or proper and permitted by any law heretofore enacted which is applicable, or by this law, in order to construct, do and complete said work or improvement, and also to provide funds therefor, in such manner and by such means as may be authorized by law. And such public work or improvement shall be done and constructed; the passage of this act, or anything herein contained, to the contrary notwithstanding.

§ 3210. PUBLIC LIBRARY — CONTROL OF — FREE TO THE PUBLIC — APPROPRIATION FOR.—That as soon as a sufficient fund for that purpose shall be accumulated under the provisions of this act, augmented by private contributions or otherwise, there shall be established and maintained a free public library, which shall be

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§ 3210. (1) So much of this section as provides that a portion of the funds collected for school purposes shall be devoted to the library is unconstitutional. *Board of Education vs. Board of Trustees*, 24 R. 98.

(2) The Board of Trustees have the right to select their own treasurer, and such treasurer, and not the city treasurer, is entitled to the funds of such public library. *B. of T. of Pub. L. of Covington vs. Beitzer*, 26 R. 611.

under the direction and control of the board of trustees, consisting of five members, to be appointed by the mayor for a term of four years, to be styled the "Board of Trustees of the Public Library." Said board shall have the custody, control, management and expenditure of all funds that may heretofore have been accumulated for free public library purposes, or that may be hereafter accumulated for, or devoted to said purposes. The members of said board shall serve without compensation, they shall each give a bond in the sum of five thousand dollars for the faithful performance of their duties, and shall take an oath faithfully to perform their duties before the mayor. Said board shall have the power necessary to establish, maintain and conduct said free public library, and said board shall establish rules and regulations for the proper conduct of said library. Said library shall be open and free to the public, under such rules and regulations as aforesaid, during reasonable and proper hours, and until at least nine o'clock at night, but said library may be closed on Sunday if deemed proper. When there is already established in the city a public library, the board of trustees of the public library may enter into an agreement with the person, association or corporation owning and controlling such library whereby such library may be transferred or leased to the said board for a term of years or in perpetuity, or united with that established by the city under the provisions of this act. Said library shall be strictly non-sectarian, and so conducted. In aid of the establishment and maintenance of such library, there is hereby appropriated, and the general council shall annually direct to be paid over to said library, three per centum of the net amount of taxes levied annually in the city for school purposes, and one-half of the net amount of all fines and costs collected in the police court. (*Section as amended by act of March 15, 1898.*)

§ 3210a. FREE LIBRARY—WHEN COUNCIL REQUIRED TO MAKE ANNUAL APPROPRIATION FOR.—Whenever in any city of the second class under laws heretofore enacted there has heretofore been, or shall hereafter be, accumulated money to the amount of twenty thousand dollars (\$20,000) for the purpose of establishing and maintaining a free public library, then it shall be, and is made the duty of every such city and the common council thereof to

appropriate annually for the support of such free public library such sums of money as may be necessary, with funds otherwise therefor provided by law, to make the total annual sum applied to such purpose by every such city not less than the sum of five thousand dollars (\$5,000).

Any citizen or tax-payer of such city, or any contributor to the fund for establishing or maintaining such free library, or his legal representatives, may by action enforce performance of this act.

The fact having been made known to the General Assembly, it is hereby declared that in the city of Covington more than the sum of twenty thousand dollars (\$20,000) has under laws heretofore enacted, been accumulated for the establishing and maintaining of a free public library; *Provided*, That nothing herein shall be construed as requiring any appropriation to be made by any city in which there is now established a free public library supported and maintained in whole or in part by such city. (*This section is an act of March 17, 1900.*)

§ 3210b. FREE LIBRARY — TRUSTEES OF — APPOINTMENT — NUMBER — BOND — OATH — DUTIES — TAX FOR — OTHER FUNDS —That as soon as a sufficient fund for that purpose shall be accumulated under the provisions of this act, augmented by private contributions or otherwise, in any city of the second or third class, there shall be established and maintained in such city a free public library, and in cities of the second or third class wherein, under any act of the General Assembly, a free library has been established, the same shall continue as herein provided; said free public library shall be under the direction and control of a board of trustees, consisting of seven members, to be styled the "Board of Trustees of the Public Library," and which said board of trustees of the public library shall continue, and they are hereby declared a body politic and corporate, under said name and style, with perpetual succession, and by that name may contract and be contracted with, sue and be sued, have and use a corporate seal, the same to alter and renew at pleasure, or may act without a seal; may purchase, receive, lease, hold, sell and dispose of real and personal estate for public library purposes. Said board shall have the custody, control, management and expenditure of all

funds that may heretofore have been accumulated for free public library purposes, or that may hereafter be accumulated for or be devoted to said purposes. The mayor of the city and presiding judge of the county court of the county in which the city may be located, in case the county contributes annually to the maintenance of the public library, shall be *ex-officio* members of said board, and the remaining five members thereof shall be appointed by the mayor, one for one year, one for two years, one for three years, two for four years, and their successors, as said terms shall respectively expire, to be appointed for four years, and shall be so selected and appointed as never to have more than four members thereof of the same political party, and that two members of said board shall be women and five members thereof shall be men. The members of said board so appointed by the mayor shall be citizens and housekeepers of the city and not less than thirty years of age, shall serve without compensation, shall each give a bond in the sum of five thousand dollars for the faithful performance of their duties, and shall take an oath before the mayor to faithfully perform their duties. Said board shall have no power to charge any of the real or personal property of said corporation with any debt or liability, and shall at no time expend, in the operation or maintenance of said library, or for any other purpose, any money in excess of that annually appropriated by the provisions of this act; and should said board attempt to impose any debt or liability upon the property of said free public library, or make any contract for amounts of money in excess of that annually appropriated by the provisions of this act, all such contracts or liabilities shall be void as against the free public library, and such members of the board as may vote for such debts, liabilities or expenditures of money shall be personally liable for the same.

Said board shall have the power necessary to establish, and when established, to maintain and conduct said free public library, and may adopt from time to time rules and regulations for the proper conduct of said library. Said library shall be open and free to the public, under such rules and regulations as the board of trustees may prescribe, during reasonable and proper hours, and said library may be closed on Sunday, if deemed proper by

said board. When there is already established in the city a public or private library, the board of trustees of the public library may enter into an agreement with the association or corporation owning or controlling such library, whereby said library, including books, real and personal property, may be transferred or leased to said board of trustees of the public library for a term of years, or in perpetuity, or united with that established by the city under the provisions of this or any former act. Said library shall be strictly non-sectarian and non-partisan, and always so conducted. And the legislative body of the city shall, by a proper ordinance, provide penalties and the method of imposing the same, for the preservation of books, the property of said free public library, and the prevention of trespass upon the grounds thereof, and for the proper conduct of patrons of said library; and all fines and costs collected for the violation of such ordinance or ordinances shall, when collected, be paid over to the board of trustees of said library.

In aid of the establishment and maintenance of such library, there is hereby appropriated, and the general council shall annually direct to be paid over, as the same may be collected, to the board of trustees of the public library, three per centum of the net amount of taxes levied annually on the city for common school purposes, and one-half of the net amount of all fines and costs collected in the police court; and to further aid in the establishment and maintenance of such public library, the general council of the city and the fiscal court of the county, either or both, jointly or separately, are hereby authorized and empowered to accept, by ordinance, resolution, order or contract, (and, if necessary, unite with the board of trustees of the public library,) any donation that may have been offered, or may hereafter be offered, by Andrew Carnegie, or any other person, association or corporation, and comply with the conditions upon which said donations may be offered and accepted, and make the terms of said contract perpetually binding upon said city and county; and said general council of the city and fiscal court of the county shall annually levy such special tax as may be necessary to comply with said conditions or terms of contract, and to provide the sums of money agreed therein to be paid annually and perpetually for the main-

tenance of said public library, and shall cause the same to be collected as and when other taxes are collected, and paid over promptly to the board of trustees of the public library. (*This section is an act of March 21, 1902. See Chapter 86, Acts, 1904.*)

§ 3211. AUDITOR MAY BE REQUIRED TO EXAMINE POLICE COURT AND JUSTICES' RECORDS.—Whenever ordered so to do by the mayor, the auditor shall examine the records and proceedings of the police court, and of courts of justices of the peace in the city, and ascertain and report to the mayor all costs, fees, fines, moneys due upon judgments or replevin bonds, or other moneys that may be due to the city, and the mayor shall see that such steps are taken and proceedings had as may be necessary to have collected and paid into the treasury all such costs, fees, fines, moneys due upon judgments or replevin bonds, or other moneys that may be due to the city, or that may have been collected by any officer or person and not paid into the treasury.

#### SUBDIVISION XI.—PUBLIC SCHOOLS.

§ 3212. SYSTEMS OF SCHOOLS—WHO MAY ATTEND—BOARD OF EDUCATION—POWERS AND DUTIES.—There shall be maintained a system of public schools at which all children who are *bona fide* residents of the city between the ages of six and twenty years may be taught at the public expense, and schools may be opened as a part of said system to teach children of the ages of four, five and six years, by the kindergarten method. Said schools shall be under the control of a board, to be styled the Board of Education, consisting of two trustees from each ward in the city, to be elected, however, by the qualified voters at large of the city. Said board of education shall continue, and they are hereby declared, a body-politic and corporate, under the name and style of "Board of

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§ 3212. (1) Clerk who received seven out of twelve votes was elected, although a by-law of the board provided that a two-thirds vote was necessary to elect—the by-law was invalid. *Heyker vs. McLaughlin*, 20 R. 1983, 106 Ky. 509.

(2) Board of education has no authority to become indebted in any year exceeding the income for that year without submitting question to voters. *Brown vs. Board of Education*, 22 R. 483.

Education," with perpetual succession; and by that name may contract and be contracted with, sue and be sued, have and use a corporate seal, the same to alter or renew at pleasure; may purchase, receive, hold, lease and dispose of real and personal estate for public school purposes. The control and management of the public schools of the city, and the property and funds thereunto belonging, shall be, and is hereby, vested in said board subject to the provisions of this act. They shall have power to make by-laws and rules, not in conflict herewith, necessary for the discharge of their duties and the government of their proceedings. They shall meet once in each month, or oftener, if necessary, but it shall require a majority of the members-elect of said board to constitute a quorum for the transaction of business, and for the appropriation of money or the execution of a contract; the concurrence of a majority of the members-elect of said board shall be indispensable, and upon a call for the yeas and nays, to be entered of record. The meetings of said board shall be held in some public place, and a correct record of their proceedings shall be kept in a book provided for that purpose, which shall be a public record, and open to inspection by any officer or citizen of the city.

**§ 3213. BOARD OF EDUCATION — QUALIFICATION AND ELECTION OF MEMBERS — VACANCIES.**— Said board of education shall determine for itself the qualification and election of its members. They shall have the power to fill, until the next general election, all vacancies in said board occasioned by death, removal, or otherwise, and all returns of election shall be made to the clerk of said board, who, by direction of the board, shall issue certificates of election.

**§ 3214. PROPERTY AND FUNDS DEDICATED TO SCHOOL PURPOSES — EXEMPT FROM TAXATION.**— All the property now used for public school purposes in the city, or which may, at any time, be owned by the board of education, and all the funds or means that may, at any time, come under the control of same, are hereby forever dedicated to the purpose of public schools of the city, and the title to all property, real and personal, and the property itself, in the city, known and used as public school property, are hereby vested in said corporation, and the same shall forever remain free

from any debt or liability of the city, and free from any city or State taxation.

§ 3215. SUPERINTENDENT, PRINCIPALS AND TEACHERS — SALARIES — PURCHASE OR RENT OF BUILDINGS.— Said board shall have power to elect and appoint such superintendent, principals and teachers as they may deem necessary for the public school, regulate and fix their salaries, and may, at any time, suspend or remove them or any of them, by a vote of two-thirds of the members-elect of the board. Said board may purchase, build or rent any ground, building or buildings necessary or convenient for public school purposes, and may make contracts to that end; and any property so leased, purchased or otherwise occupied, may be reserved by terms, deed or lease to the public schools of the city, and, if so reserved, shall not be liable for any debt or debts of the city not incurred for public school purposes. Said board may also receive and hold to public school purposes any gift or devise.

§ 3216. BRANCHES TAUGHT — DISTRICTS — CHILDREN FROM OTHER DISTRICTS — GRADE OF SCHOOLS.— Said board shall prescribe the branches of education to be taught, the necessary qualifications, the mode of examination, and the number of teachers to be annually admitted to each school. They shall fix the boundaries of the districts within which children shall be admitted to each school; but the majority of said board may permit children residing in one district to attend school in another. They may establish high schools and fix a grade of public schools, and prescribe the rules by which pupils may pass from one grade to another, and from the graded to the high school.

§ 3217. ALL CHILDREN HAVE EQUAL RIGHTS OF ADMISSION — SCHOOL TO BE NON-SECTARIAN.— All children entitled shall have equal rights of admission to and benefits of said school, wherein no catechism or other form of religious belief shall be taught or inculcated; nor shall any class-book be used therein which reflects upon any religious denomination or sect; neither shall any of said schools be so conducted as to interfere with the religious faith or creed of either parents or pupils.

§ 3217a. I. CHILDREN BETWEEN SEVEN AND FOURTEEN YEARS OF AGE REQUIRED TO ATTEND SCHOOL.—That every parent, guardian or other person in any city of the first, second,

third or fourth class, within this Commonwealth, having the control of any child or children between the ages of seven and fourteen years, shall be required to send such child or children, annually, to some public or private school for children for the full term of such school, and that if the attendance be upon a private school, it shall be one full term of [which] not less than five months; *Provided*, however, that this act shall not apply to any case where the child is physically or mentally unfit to attend school, or has already acquired the common school branches required by law; such acquisition to be tested and certified in the same manner and at the same time as in the case of county graduates of the common school.

2. *Truant officer created and defined.*—In the first week in July each year the board of education in each city of the first, second, third and fourth classes shall appoint one person for each three thousand pupils or fraction thereof to serve as truant officer, whose term of office shall be for one year from date of appointment, and whose authority shall be limited to the city where the appointment is made: such person so appointed shall be of strict moral character, and with ability to read and write. Truant officers shall be paid from the school tax levy of such city at the rate of not less than one dollar nor more than two dollars and fifty cents for each school day.

3. *Duties of truant officer.*—Truant officers shall examine into any case of truancy within the city, and shall warn the parent, guardian, or others in charge of the child, of the final consequences of truancy if persisted in. When any child between the age of seven and fourteen years is not attending school without lawful excuse and in violation of the provision of this act, the proper truant officer shall notify the parent, guardian, or other person in charge, of the fact, and require such person to cause the child to attend some recognized school within five days from the date of the notice, and it shall be the duty of such person so to cause its attendance at some recognized school. Upon failure to do so, the truant officer shall make complaint before a justice of the peace of the county in which such child lives against the parent, guardian or other person having such child in charge, and, upon conviction, the parent, guardian or other person in charge

shall forfeit to the use of the school in the city in which such child resides a sum not less than five dollars nor more than twenty dollars for the first offense, nor less than ten dollars nor more than fifty dollars for the second and every subsequent offense, and cost of suit.

4. *Truant officer to keep record of his acts.*—The truant officer shall keep a record of his transactions for the inspection of the school boards of such cities, and suitable blanks shall be provided for his use by the State Superintendent.

5. *False statement concerning age of child — penalty.*—Any person having control of a child who, with intent to evade the provisions of this act, shall make a willfully false statement concerning the age of such child, or the time such child has attended school, shall forfeit for each offense a sum not less than five dollars nor more than twenty dollars for the use of the public schools for such city.

(*This section is an act of March 22, 1904; the numbers of the sub-sections are the numbers of sections of act. See Chap. 94, Acts 1904.*)

§ 3218. STATEMENT TO BE PUBLISHED AT END OF EACH SCHOLASTIC YEAR.—Said board shall, at the end of each scholastic year, prepare and cause to be published a printed statement showing the number of admissions in, expulsions from, and present number of pupils in each school, with the general condition and the educational progress made therein; the amount, character and condition of all funds and other property belonging to said schools, together with such other information as may be proper and necessary for the benefit of said schools and the general public.

§ 3219. BOARD TO ANNUALLY REPORT APPROXIMATE EXPENSES FOR ENSUING YEAR — LEVY AND COLLECTION OF TAX — MAY BORROW MONEY — ISSUE BONDS — PLEDGE PROPERTY — SINKING FUND.—Said board shall annually, in the month of January,

§ 3219. (1) Board of education can not compel city council by mandamus to fix any given rate of taxation, or to increase the rate already fixed by it, unless it is made mani-

fest that the council has failed and refused to fix the necessary rate. Board of Education vs. General Council, 20 R. 289, 103 Ky. 634; Board of Education vs. Nelson,

approximately ascertain the amount of money necessary to be used to defray the expenses of maintaining the schools, improving or constructing of buildings, et cetera, thereof, and any liquidations of the liabilities during the current fiscal year, and report the same, together with the amount to be received from the common school fund of the State of Kentucky (which amount the board shall ascertain by taking the census required by law in April), to the auditor, and thereupon the general council shall, at the request of said board, levy and collect such taxes as may be requested, and the money arising from said levy shall, under the direction and control of said board, be used for the benefit of the common schools and for the purpose of paying off the indebtedness of said board.

*Provided*, That said levy shall not, in any one year, exceed thirty-five cents on each one hundred dollars' valuation, and ten cents on each one hundred dollars' valuation additional for sinking fund purposes, as returned by the board of equalization on all taxable property in the city. *And provided further*, That this act shall not be so construed as to prevent said board from receiving and expending any sum or sums that may come to them by gift, devise, or any law of the State.

The tax bills for all taxes levied by the general council for the public schools shall be made out by the city clerk and included in the tax bills containing the ordinary levy, and shall be collected with the same, by the same officer, and in the same manner that the ordinary levies are collected by the collecting officer; and the powers and duties conferred and required of officers in collecting the ordinary city taxes are hereby conferred and required of them in collecting the taxes levied for said public schools, and such collecting officer and his sureties shall be liable under his official bond for any failure to perform his duties, upon which bond suit may be brought for the use of said board and recovery had for such amount as shall be found due thereon. All such sums of money, when collected and paid into the city treasury, shall be

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Mayor, etc., 22 R. 680; City vs. Board of Education, 23 R. 1663.

(2) Act March 20, 1900, did not validate a bond election held at time

board had no power to borrow money. Berkley vs. Board of Education of Lexington, 22 R. 638.

set apart to, and passed over to, the common school fund, subject to, and drawn out only by, the order of said board, as provided by law and ordinances of said board then existing.

Said board of education shall have the power to borrow money on the credit of the board in anticipation of the revenue from school taxes for the fiscal half year in which the same is borrowed, and pledge said school taxes for the payment of the principal and interest of said loan; *Provided*, That the interest paid shall in no case exceed six per cent. per annum, and the principal shall in no case exceed fifty per cent. of the anticipated revenue.

Said board of education shall have power to issue school bonds, to run for not exceeding forty years, for an amount not exceeding one hundred thousand dollars, sufficient to purchase sites and erect and equip school houses; *Provided*, That said bonds do not bear exceeding six per cent. per annum interest, payable semi-annually, and shall not be sold for less than par and accrued interest, and the proceeds of said bonds shall be used exclusively for the purposes named in this act, and shall not be in violation of the Constitution of the Commonwealth; *And, provided*, That said bonds shall not be issued without the assent of two-thirds of the voters of said city voting at an election to be held for that purpose.

*And, provided*, That wherever the assent of two-thirds of the voters of said city has heretofore been obtained at an election held for that purpose in conformity with the provisions of this act, said assent is hereby declared to be as binding and legal and shall have the same force and effect as if obtained since the passage of this act; *And, provided*, Any indebtedness contracted in violation of this section shall be void; *And, provided further*, That it shall be the duty of the county officers entrusted with the duty of conducting elections to hold said election when requested so to do by said board of education, and the holding of said election shall be after fifteen days' notice in the official paper of the city, and the conduct and returns of said election shall be made as provided in the general election law; *And, provided*, The board may pledge the property so purchased and equipped with the proceeds of said bonds, and all other school property and the revenues of

said board, for the payment of the principal and interest of said indebtedness; *And, provided*, That said board of education shall annually request the general council of said city to provide for the collection of a sinking fund tax sufficient to pay the interest on said indebtedness at the time of contracting the same, and to create a sinking fund for the payment of the principal thereof within the term for which said bonds are issued, and said general council shall also levy and collect such other school taxes as may be requested by the board of education within the limit fixed by statute. (*Section as amended by act of March 20, 1900; the original section was also amended by act of March 17, 1896.*)

**§ 3220. PUPILS BEYOND CITY LIMITS — BOARD MAY APPOINT AND REMOVE EMPLOYES.**— Said board shall have power to admit to said schools pupils from beyond the limits of the city, and may collect therefrom tuition fees for the benefit of the school fund of the city, and no children or persons residing beyond said limits shall be admitted as pupils in any of said schools except on payment of such tuition fees as said board may require. Said board may elect or appoint such employes as they may deem necessary, and shall prescribe and fix the compensation of each, and may dismiss the same at pleasure.

**§ 3221. BOARD OF EXAMINERS — NUMBER OF MEMBERS — DUTIES.**— Said board may appoint a board of examiners, to consist of not less than two nor more than five competent persons, whose duty it shall be, together with the superintendent, to examine, under such rules and regulations as may be prescribed by the board, into the qualifications of all applicants for a position as superintendent, principal or teacher of said schools; *Provided*, That no person, other than the superintendent, shall be a member of said board of examiners who shall be employed in or connected with the public schools of the city. Said board of examiners shall receive such compensation and perform such duties as may be prescribed by said board.

**§ 3222. SEPARATE SCHOOLS FOR COLORED CHILDREN.**—The

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**§ 3220.** (1) Employee may sue school board for his salary—in cities of first class board may employ jan-

itor—janitor may assign salary after it is earned. *Overdorfer vs. Louisville School Board*, 27 R. 508.

said board of education shall provide, maintain and support separate schools wherein all colored children, who are *bona fide* residents of said city, between the ages of six and twenty years, may be taught in like manner as herein provided for white children; said colored schools shall be entitled to the same benefits, be governed by the same rules and regulations, and be subject to the same restrictions as the schools herein provided for the white children.

**§ 3223. MEMBER OF BOARD, OFFICER, TEACHER, OR EMPLOYE — WHAT WILL DISQUALIFY.**— No member of the board of education, or officer, or teacher, or employe thereunder, shall be, directly or indirectly, interested in any contract, with work done for or by, or furnishing of supplies, or sale of property to or for, the said board; be in arrears to it for money collected, or held, without a quietus therefor; have been convicted of malfeasance in office, bribery or other corrupt practice or crime, or hold any office or employment in any company or corporation which has been, or is, an applicant for any contract with said board (stockholders in such companies or corporations are not, however, herein included); but they shall not vote on, or interfere, directly or indirectly, with any matter or question affecting such company or corporation, in any manner whatever, other than common with the general public, nor use his official position to secure the patronage of the teachers or employes of said board. Any person violating the provisions of this section shall be guilty of a misdemeanor, and shall forfeit his office or position, and be ineligible to be a member of, or hold any office or employment under, said board.

**§ 3224. NORMAL SCHOOL — RULES AND REGULATIONS.**—The board shall have power to establish and maintain a normal school or normal training class for the purpose of training the graduates of the high school and others to be teachers in the schools of the city, and to this end it may prescribe such rules and regulations for the government of the said normal school or normal training class, and employ a principal and other teachers, as may be necessary for the maintenance of the said normal school or normal training class.

§ 3225. TREASURER — SEPARATE ACCOUNTS — DUTIES.—The treasurer of the city shall be treasurer of said board of education, and as such shall keep separate and distinct from all other funds all moneys, bonds and securities belonging to or which may hereafter be dedicated or set apart for public schools, and shall only pay out or deliver any of said funds, bonds or securities upon the warrant of said clerk, and approved by the president of the board of education, and shall perform such other duties as may be prescribed by said board.

§ 3226. CLERK OF BOARD — DUTIES — COMPENSATION — COPIES OF PROCEEDINGS — EVIDENCE.—Said board shall have power to appoint a clerk, and prescribe his duties and term of office, fix his compensation, and pay the same out of the school fund, and shall require of him bond and security, if they deem the same necessary. The proceedings of the board of education, and copies therefrom, certified by its clerk, shall be taken in the same manner, and have the same force and effect in courts and elsewhere, as are now given to the proceedings of the general council.

§ 3227. CONTROL OF SCHOOL FUND — EXPENDITURES.—Said board of education shall have exclusive control of all school funds of the city, from whatever source the same may be derived, including the *pro rata* of the city from the common school fund from the State of Kentucky. They shall have the right to receive all fines, forfeitures and taxes that may inure to the benefit of the public schools of the city. They shall have power to expend all moneys in the interest of the public schools in the city, and the warrant of the city clerk, approved by the president of the board, shall be honored by the treasurer to the amount of the school fund in the treasury.

§ 3228. EXISTING INDEBTEDNESS UNIMPAIRED.—All indebtedness, bonded or otherwise, and all liabilities and contracts of the

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§ 3225. (1) Treasurer — compensation — construction of section — not allowed compensation in addition to salary paid by city. *Board of Education vs. Moore*, 24 R. 1478.

§ 3226. Election of clerk. See

*Heyker vs. McLaughlin*, 20 R. 1983, note to § 3212.

§ 3228. Construction of section. *Woods vs. Board of Education*, 11 R. 941, and *Brown vs. Board of Education*, 22 R. 483.

school board, existing at the time this takes effect, and all taxes, funds, sinking funds or other resources that have been pledged or set apart for the payment of the principal or the interest thereof, shall continue unimpaired, and remain of the same force and effect as though the same had been authorized and contracted by the express provision of this law, and said board may refund any debt by the issuance of bonds.

**§ 3229. HOW MONEY DRAWN — CONDITIONS UPON WHICH APPROPRIATIONS MADE.**— No money shall be drawn from the fund unless the same has been appropriated by order of the board of education, and no appropriation of money shall be made to be paid out of said school fund, unless the money shall actually be in the treasury to meet the draft; and if any appropriation shall be made, and there shall be no money in the treasury at the time of the making of said appropriation with which to pay the same, the members of the board of education voting therefor shall be individually liable to any party injured for the amount of damages sustained in consequence thereof.

**§ 3230. ELECTION OF MEMBERS OF BOARD — TWO FROM EACH WARD.**— At the first general election under this act, there shall be elected as members of the said board of education two persons, to be selected from each ward of the city, but elected by the qualified voters at large of the city, subject to modifications as to the qualifications of voters herein prescribed. The one person from each ward receiving the highest number of votes for two years, and the one from each ward receiving the next highest number of votes for one year, and in case two receive the same number of votes, the time shall be decided by lot. And on the same day of each year thereafter there shall, in like manner, be elected one person from each ward by the voters at large as a member of said board for two years. All persons elected under this section shall assume the duties of his office on the first Monday in January following said election. Trustees in office whose time has not expired when this act takes effect shall remain in office until their successors are elected and qualified.

**§ 3231. PRESIDENT OF BOARD.**— Said board of education shall elect from their own number a president for the term of two years, and may prescribe who shall preside in his absence, and

make all necessary rules prescribing the duties of the presiding officer and the government of themselves.

§ 3232. ELECTION BY SECRET BALLOT — REGISTRATION.—All votes at elections of members of said board shall be by secret ballot, and after such registration and subject to such rules and regulations as to manner of registration as may be prescribed by law for election of State officers.

§ 3233. ELIGIBILITY TO MEMBERSHIP IN BOARD — QUALIFICATION OF VOTERS — WOMEN.—All persons possessing the qualifications required by this act to make them eligible to election as members of the board of councilmen shall be eligible to membership in the board of education, and all persons possessing qualifications required by this act, or which may be prescribed by ordinance, in order to vote at elections for city officers, are hereby declared qualified to vote at all elections for members of the board of education, and women who may possess such other qualifications required for males are hereby declared to be eligible as members of said board of education, but not eligible or qualified to vote at any election for a member or members of said board.  
*(Section as amended by act of March 21, 1902.)*

§ 3234. ELECTION AND REGISTRATION UNDER GENERAL LAW.—The election of members of the board of education and the registration of voters for the purpose of such election shall be held in all respects according to the provisions of the general laws governing registration and elections, and no separate poll or voting place shall be required for such registration or election.  
*(Section as amended by act of March 21, 1902.)*

§ 3235. SCHOOL BOARDS ELECTED IN 1893.—In any city of the second class, where members of the school board were elected at the general election in 1893, such members so elected shall hold their respective offices until the regular election in 1895. In any city where no such election was held, the mayor thereof shall appoint two members of said board from each ward in the city, subject to the approval of the board of aldermen, and the board so appointed shall hold office, exercise the powers, and be subject to the regulations of this act, until the regular election in 1895.



## P A R T I I .

Acts of the General Assembly Relating to the City of  
Newport, Not Repealed by the Present Con-  
stitution and Subsequent Legislation.



## SPECIAL ACTS.

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### BOUNDARY ACT.

AN ACT to extend and define the boundary of the City of Newport. Approved May 12, 1886.\*

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. **BOUNDARIES.**—That the territory of Kentucky included within the following boundary, to-wit: Beginning at the junction of the Ohio and Licking rivers; thence northwestwardly to a point at low water mark directly opposite and on the north side of the Ohio river; thence with low water mark of the north side of the Ohio river up the river to a point directly opposite the northeast corner of the Manufacturing Company's Addition; thence southeastwardly across the Ohio river to the northeast corner of the said Manufacturing Company's Addition, thence with the east line of said Addition to the southeast corner of said Addition; thence parallel with Washington Avenue south thirty-nine and one-half degrees east to a point where the south line of the East Row Addition, if extended eastwardly, would intersect the same; thence south thirty and one-half west to a point where the east line of Washington Avenue, if extended, would intersect the same; thence south fifty-nine and one-half east two hundred feet; thence south thirty and one-half west to the east line of Monmouth Street; thence with the east line of Monmouth Street southwardly to a point where the south line of the Licking road, if extended eastwardly, would intersect the same; thence with the south line of the Licking road westwardly to a point where the west line of Central Avenue, if extended, would intersect the same; thence with said west line of Central Avenue extended northwardly to the south line of the Trustees' Addition to the City of Newport;

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\* This Act defines the present boundary of the city of Newport.

## Court-House Acts.

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thence with the south line of Trustees' Addition westwardly to the Licking river; thence with the Licking river and down the same to beginning, shall be, and the same is hereby constituted the corporate limits of the City of Newport, subject to all the laws, ordinances and regulations in force affecting said city, or in relation thereto.

Sec. 2. This act shall be in force from and after its passage.

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## COURT-HOUSE ACTS.

AN ACT to authorize the construction and maintenance of a Court-house in Newport, in Campbell County. Approved April 17th, 1882.\*

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. COMMISSIONERS—APPOINTMENT—BOND—COMPENSATION.—That the Judge of the Circuit Court in Campbell county shall, by an order of said Court, appoint three Commiss-

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\* Prior to 1840 the city of Newport was the county seat of Campbell county, which at that time embraced the territory since formed into the county of Kenton.

By Act approved January 29, 1840, establishing Kenton county, Alexandria was made the county seat of Campbell county.

By Act approved February 27, 1856, it was provided that two terms of the Circuit Court annually should be held in the city of Newport, "at such place as the authorities shall provide"; and that "the city of Newport shall provide a jail, which and the jailer shall be under the control of said court so far as is necessary in the administration of justice; and persons committed by said court, and persons to be tried in Newport, shall be committed to such jail"; and further, by Section 7 thereof, it was provided that "The city of Newport shall provide and keep in repair the court-house, clerk's office and jail, which may be necessary for said court at Newport."

This Act, having been submitted to the voters, pursuant to its provisions, was ratified by said vote, and thereby took effect on the second Monday in August, 1856.

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Court-House Acts.

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sioners, resident of the districts hereinafter described, who shall hold their offices at the pleasure of said Judge. Before entering upon the discharge of their duties, said commissioners shall execute a satisfactory bond, to be approved by said Judge, for the faithful discharge of their duties, and the proper disbursements of all moneys imposed upon, by and coming into their hands under the provisions of this act. They shall receive a compensation for their services, to be fixed by said Judge, not exceeding one hundred dollars each, per annum.

Sec. 2. "COURT-HOUSE DISTRICT."—The following described territory shall constitute a separate district, to be styled the "Court-house District," for the purposes stated in this act, as follows: Beginning at a point on the Ohio river, in the center of Four-mile creek, where the same empties into the Ohio river, thence with said creek as it meanders to the bridge on the Twelve-mile turnpike crossing said creek, thence with the county road leading from said bridge, in the direction of the Alexandria turnpike, to a point where a road known as Winter's Lane intersects said county road, thence with said Winter's Lane road to the Alexandria pike; thence crossing said pike, and with the same to a point where the county road intersects said pike on the west side

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By Act approved March 10, 1856, it was provided "That the public buildings of said city, viz.: court-house, clerk's office and jail, may be used for County and Circuit Court purposes."

By Act approved February 21, 1863, deeds for land in the city and within the first magistrate's district were required to be recorded in the office at Newport. By amendment to this Act, approved March 16, 1869, it was made the duty of the County Court to cause a certain line to be established, deeds and mortgages of lands on the northern side of which should be recorded in Newport. [This line was somewhat south of the present Court-house district line.]

By Act approved February 26, 1863, County Courts were required to hold terms at Newport.

By Act approved February 7, 1880, the city was given exclusive authority to fix the compensation to be paid by said city to the County Judge and County Attorney for services rendered by them in Newport, in pursuance of foregoing Act of February 26, 1863.

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Court-House Acts.

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thereof, just south of the Licking Baptist Church, thence with said county road to the Licking turnpike, thence crossing said turnpike, with said county road, to the Licking river, near the mouth of Pool's creek; thence with the Licking river to the Ohio river, thence up the Ohio river to the mouth of Four-mile creek.

Sec. 3. COURT-HOUSE — BOND ISSUE — TAX LEVY.— Said Commissioners shall have power to construct and maintain, on the site where the Court-house now stands, in the City of Newport, a suitable Court-house, at a cost not exceeding fifty thousand dollars. For that purpose, said Commissioners shall issue bonds, with interest coupons attached, in denominations of five hundred dollars each, bearing interest at the rate of five per cent. per annum, payable semi-annually; said bonds shall be numbered from one to one hundred, and shall be issued as follows: The first four shall be payable in one year; the second four in two years, and so on, in the same order, to the end of the issue. They shall be made payable at the office of the City Treasurer of the City of Newport, and shall be exempt from taxation for all purposes except State tax. For the purpose of paying the interest and redeeming said bonds, as they mature, said Commissioners shall annually levy a tax on the real and personal property in said district, not exceeding twelve cents on the one hundred dollars, on the State valuation thereof, which shall be a lien thereon. It shall be the duty of the Sheriff of Campbell county to collect said tax, in the same manner and at the same time that he collects the State revenue, and he shall receive the same compensation for his services as for the collection of said State revenue. Before entering upon the discharge of the duties imposed upon him by this act, said Sheriff shall execute to said Commissioners a good and sufficient bond, to be approved by the Judge of the Circuit Court of Campbell county, for the faithful discharge of his duties. He shall pay said moneys, so collected by him, to the City Treasurer of the City of Newport, who is hereby authorized to receive the same. Said Treasurer shall disburse said moneys as aforesaid received as so directed by said Commissioners. Before said Treasurer shall enter upon the discharge of the duties hereby imposed

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Court-House Acts.

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upon him, he shall execute a like bond in like manner and to be approved in the same way as the Sheriff is required to do.

Sec. 4. DUTIES OF COMMISSIONERS.—Out of the proceeds of said levy and collections said Commissioners shall, first, pay the interest due on said bonds; second, the cost of maintaining said Court-house, including the salaries of the County Judge and County Attorney, as *pro rata* in the proportion that said district bears to the whole county; third, the necessary expenses incurred in carrying into effect the provisions of this act.

Sec. 5. SHERIFF AND TREASURER TO MAKE ANNUAL REPORT.—Said Sheriff and Treasurer shall each make an annual report of their proceedings to the Commissioners aforesaid, and said Commissioners shall make an annual report of their proceedings, including the reports of said Sheriff and Treasurer, to the Judge of the Circuit Court in Campbell County.

Sec. 6. EXEMPTIONS.—The citizens living within the district above described shall hereafter be exempt from the payment of a poll tax, and the property within said district shall be exempt from all taxation except for State revenue, for county roads, for taking care of the poor, court and jail expenses, and the Highland District, and the Cities of Newport and Dayton and the Town of Bellevue, for the purposes now authorized by law.

Sec. 7. RECORDS.—All deeds, mortgages, leases and conveyances, for the sale, transfer, pledge or lease of property within said district shall be recorded in the City of Newport, and for all property outside of said district said deeds, mortgages, leases and conveyance shall be recorded at Alexandria.

Sec. 8. POWERS OF SHERIFF.—For the purposes of collecting the taxes heretofore authorized to be levied, said Sheriff is hereby invested with all the powers now conferred upon him by law in the collection of the State revenue; and for any delinquency in the payment of said tax, so levied, he shall proceed by levy, distress, and sale of property, as now authorized by law, and the purchasers of property at such sale shall acquire, and be invested with, the same right and title that purchasers at such sales for delinquent State revenue are now invested with.

**Court-House Acts.**

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Sec. 9. COUNTY CLERK — *ex-officio* CLERK.—The County Clerk of Campbell county shall, *ex-officio*, act as clerk for said Commissioners, and shall keep a complete record of their proceedings in a book, which shall be and remain as a part of the archives of his office.

Sec. 10. REPEAL.—All acts and parts of acts in conflict with the provisions of this act are hereby repealed

Sec. 11. WHEN ACT TO TAKE EFFECT.—This act shall take effect from and after its passage, but the bonds herein provided for shall not be issued, nor shall said tax be levied or collected, until the question shall have been submitted to the voters residing within said district at the next regular August election, and a majority of the voters, voting at said election shall have voted in favor of said issue, and said levy and collection of said tax.

Sec. 12. PROVISION FOR POOR.—Said district shall provide for and take care of its own poor, and all persons within said district, who are held to answer to the Criminal Court, or who are committed to jail upon any criminal or penal charge, shall be held to said Criminal Court and committed to the jail in the City of Newport, and on all similar cases outside of said district such persons shall be held to Courts at Alexandria.

Sec. 13. BODY CORPORATE.—Said Commissioners are hereby constituted a body corporate and politic, under the name and style of the "Commissioners for the Court-house District," and as such shall have perpetual succession, may contract and be contracted with, may sue and be sued, and may plead and be impleaded in the Courts of this Commonwealth.

Sec. 14. RATIFICATION BY VOTE.—For the purpose of ascertaining the will of the voters of said district, the County Clerk shall for each voting precinct in said district, and for the Cold Spring district, cause to be made on each poll book two separate columns, one headed, "For the Court-house Tax," and the other, "Against the Court-house Tax." The Judges at said election shall ask each voter how he votes upon said proposition, and the

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Court-House Acts.

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Clerk shall record his vote as given, *provided* that at the Cold Spring district only such persons shall vote upon the above proposition as actually reside within the boundaries of the district herein established.

Sec. 15. DUTIES OF BOARD WITH REFERENCE TO VOTE.—The same Board authorized by law to count and compare the vote at said election shall, at the same time and place, and in the same manner, count and compare the vote hereby authorized to be taken. It shall make out and certify, in writing, to the Judge of the Campbell Circuit Court at Newport, the result of said election. If by said report it shall appear that a majority of the voters, voting at said election, in said district, are in favor of said tax, said Circuit Judge shall at once appoint said Commissioners as hereinbefore provided for.

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AN ACT to amend an Act approved the 17th of April, 1882, entitled "An Act to authorize the construction and maintenance of a Court-house in Newport, in Campbell county," and to increase the powers and duties of the Commissioners of the said district. Approved March 13th, 1886.\*

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That an Act approved the 17th of April, 1882, entitled "An Act to authorize the construction and maintenance

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\* This Act and the original, held repealed, so far as exempting the Court-house District from taxation for certain county purposes, by the present Constitution or upon the adoption of the general revenue law of November 11, 1892, except to the extent that the Commissioners are authorized to levy a tax to pay off the outstanding court-house bonds. *Campbell County vs. Newport and Covington Bridge Co., 112 Ky. 659, 23 R. 2056.*

**Court-House Acts.**

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of a Court-house in Newport, in Campbell county, and to increase the powers and duties of the Commissioners of the said district," be, and the same is hereby amended by inserting in the sixteenth line of the third paragraph of said act, after the word "mature," the words, "and all other claims legally chargeable to said Court-house district."

**Sec. 2. OFFICERS—SALARIES—JANITOR—APPOINTMENT.**—The Commissioners for said Court-house district shall annually fix and allow the Judge of the Campbell County Court, within their discretion, a salary for his services in said district, not to exceed, however, eight hundred dollars (\$800) for any one year; and also in like manner to the County Attorney of said county an annual salary within the discretion of said Commissioners, not to exceed five hundred dollars (\$500) in any one year, for his services in said district. They shall also make the Treasurer of said district an allowance for his services, not to exceed one hundred dollars (\$100) per year, and to the Clerk of the district an annual allowance for his services, not to exceed seventy-five dollars (\$75) per year. Said Commissioners shall have the power to appoint a janitor for said Court-house, and allow him a monthly compensation for his services, not to exceed sixty (\$60) dollars per month. Said janitor shall be under the direction and control of the Commissioners, and removable at their pleasure.

**Sec. 3. CONTROL OF COURT-HOUSE AND GROUNDS.**—The said Commissioners shall have the control of said Court-house and grounds belonging thereto; they shall cause the court and jury rooms in said house to be properly lighted and warmed when required, for the holding of the several Chancery, Circuit, Criminal and County Courts; they shall also cause the office rooms of the Circuit Court and County Court Clerks, the Master Commissioner and the Sheriff in said building to be lighted and warmed when required, and properly attended to by said janitor; they shall also cause the dials of the clock in the tower of said Court-house to be illuminated at night, and they shall cause the janitor of said Court-house to be in attendance upon said Courts during their

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Court-House Acts.

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said terms at Newport. For the light and fuel furnished and services rendered, the said Commissioners shall be allowed by said several Courts the same sum per day for the light and fuel furnished, and the same sum per day for the services of said janitor as are now allowed and paid to the County Jailers for light and fuel furnished and services rendered said Courts. The allowance thus made the Commissioners, when collected, shall be paid over by said Commissioners to the Treasurer and take a receipt therefor, and it shall constitute a part of the funds of said district, and be held subject to the order of said Commissioners.

Sec. 4. POOR — CARE OF.—The said district shall take care of its poor who reside within said district outside of the corporate limits of the Cities of Newport and Dayton, and the Town of Bellevue.

Sec. 5. APPLICATION OF TAX LEVY.—Out of the levy and collection of tax in and for the said Court-house district in Campbell county, under the provisions of said act to which this act is an amendment, the said Commissioners shall first pay the bonds and interest as they shall severally become due; secondly, the necessary expenses of maintaining said Court-house; thirdly, the salaries of the County Judge and County Attorney and other officers as fixed and allowed by said Commissioners; the cost of maintaining the poor of said district herein designated, the expense of holding National, State and County elections in said district, and the fees due the jailer at Newport, since the first day of January, 1884, for persons confined in said jail at any time for causes arising in said Court-house district, provided said fees would otherwise, by the General Statutes of this State, be chargeable to Campbell county, together with all other legal claims against said Court-house district. All of said claims shall be allowed and paid at the end of the year in which they severally fall due, except the bonds and interest aforesaid, which shall be paid at their maturity, as provided in said original act.

Sec. 6. SHERIFF — DUTY.—The Sheriff of Campbell county

**Court-House Acts.**

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shall pay over monthly to the Treasurer of said district all moneys collected by him for said district, and shall take his receipt therefor.

Sec. 7. COMMISSION NOT ALLOWED SHERIFF.—No per cent. or commission shall hereafter be allowed or paid the Sheriff of Campbell county upon the amount of tax due the said Court-house district, which the said Sheriff shall annually report and return as delinquent and unpaid.

Sec. 8. REPEAL.—All acts and parts of acts contrary to the provisions of this act are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its passage.

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AN ACT to amend an Act, entitled: "An Act providing for making indexes of deeds and mortgages in the clerk's offices at Newport and Alexandria, in Campbell County," approved April 22, 1884. Approved February 13, 1888.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. CONTRACT FOR RECORDING DEEDS AND MORTGAGES.—The Clerk of the Campbell County Court is hereby authorized to contract with the Commissioners of the Court-house District of said county for the indexing of the deeds and mortgages recorded in the city of Newport within said district, and the said Court-house Commissioners are authorized to make provision for the payment to the said County Clerk for the doing of the said clerical work.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

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Court-House Acts.

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AN ACT to confirm and ratify a contract between the "Commissioners of Court-house District," in Campbell County, and the City of Newport, dated April 19, 1883. Approved February 27, 1888.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. RATIFYING CONTRACT WITH CITY.—That a contract dated April 19, 1883, by and between the "Commissioners for the Court-house District," in Campbell County, and the City of Newport, in words and figures as follows:

" WHEREAS, The Commissioners of the Court-house District were, by an act of the General Assembly of the State of Kentucky, entitled 'An Act to authorize the construction and maintenance of a court-house in Newport, in Campbell county,' approved April 17, 1882, created and authorized to build a new court-house in the City of Newport on the site of the present court-house; and, whereas, the present court-house is built on what is known as the 'public square,' upon which is also built other public buildings, including two buildings fronting in a line immediately with the present court-house, one used for offices, in part for city and in part for county officials, and the other solely for city officials; and, whereas, the site of said two buildings is necessary to the proper construction of said new court-house; and, whereas, it is further necessary to the proper construction of said new court-house that a sewer be constructed from the said new court-house to the Ohio river; and, whereas, it is desirable for, and beneficial to, the general public that the offices of both county and city officials should be in the same building; now, therefore, this contract, entered into this nineteenth day of April, 1883, by and between the 'Commissioners for the Court-house District,' party of the first part, and the City of Newport, party of the second part, witnesseth: that in consideration of the party of the second part allowing the party of the first part to tear down

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Court-House Acts.

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the two buildings north of the present court-house in the preamble mentioned, use the material therein and the site thereof for building said new court-house, and the further consideration of the party of the second part furnishing water without charge, and building and keeping in repair a sewer from said new court-house to the Ohio river, all of which several things the party of the second part hereby contracts and agrees to and with the party of the first part to do, the party of the first part contracts and agrees to and with the party of the second part that they will provide suitable rooms in said new court-house for the perpetual use of the party of the second part, one in which the mayor's court may be held, and for a mayor's office, a city treasurer's office, a city clerk's office, a city engineer's office, a water-works office, and an office for the chief of police; said offices to be furnished, including the building of necessary vaults for the safekeeping of records by the party of the second part; the party of the second part to light and heat said rooms and to pay the janitor for said building, who is to be employed by the parties of the first part. This contract is to have no binding force or effect until ratified and approved by an act of the Kentucky Legislature. In witness thereof, the parties hereto have, the day and year first above mentioned, set their hands hereto and a duplicate hereof. The party of the second part, by its Mayor, pursuant to the order of its Board of Councilmen.

W. M. H. HARTON, Mayor.  
GEORGE E. CLYMER.  
R. W. NELSON.  
JOHN CLINE."

Be, and the same is hereby, ratified and confirmed, and power and authority vested in the parties to the same to so contract; and said contract shall be enforceable and binding on each of said parties as though, at the execution thereof, each had the power and authority to so contract.

Sec. 2. This act shall be in force and effect from and after its passage.

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Court-House Acts.

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AN ACT concerning the Court-house District in Campbell County.

Became a law March 25, 1898, without approval of Governor.\*

WHEREAS, In the county of Campbell, Circuit and County Courts are held, and all the county officers have offices in the city of Newport, as well as in Alexandria, the county seat; and, whereas, the court-house wherein the said courts are held, and where the said officers are, was built, and has been, and is, maintained under the provisions of Acts of the General Assembly, entitled "An Act to authorize the construction and maintenance of a court-house in Newport, in Campbell county," approved April 17, 1882, and "An Act to amend an Act approved April 17, 1882, entitled 'An Act to authorize the construction and maintenance of a court-house in Campbell county, and to increase the powers and duties of the Commissioners of the said district,'" approved March 13, 1886; and, whereas, by the provision of said acts, in addition to providing for the payment of the bonds and coupons issued to build said court-house, and the expense of maintaining the said court-house, the Commissioners are required to pay a part of the regular governmental expenses of the county, and persons and property in the district created for the purpose of building and maintaining said court-house are made exempt from county taxation; and, whereas, dispute between the district and county officers has arisen therefrom; and, whereas, it is in keeping with the spirit of uniformity of government throughout

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\* In the case styled Campbell County, etc., vs. Commissioners for Court-house District and City of Newport, No. 14,602, in the Campbell Circuit Court, the Circuit Court considering the foregoing acts in relation to the Court-house District, adjudged that it is the duty of the Court-house Commissioners to levy taxes for, and to provide and maintain suitable rooms and offices for the Circuit Judge and Court and attending officers, County Judge and County Clerk, Sheriff, County Assessor, and other county officers in the court-house in the city of Newport, Ky. This case is now pending on appeal to the Court of Appeals.

29 Feb 649

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### Court-House Acts.

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the State, established by the present Constitution, that the Fiscal Court control the levy of taxes for the purpose of paying all county governmental expenses, and that the Commissioners of the court-house district shall pay the bonds and interest thereon, issued to pay for building the court-house at Newport, and the expenses entailed by the holding the additional courts, and having the additional offices in Newport, for the benefit of the district alone; and, whereas, a like situation does not, and can not, under the present Constitution, exist elsewhere in the State, a special act is necessary; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1. REPEAL OF EXEMPTIONS.—That so much of acts of the General Assembly, entitled "An Act to authorize the construction and maintenance of a court-house in Newport, in Campbell county," approved April 17, 1882, and "An Acf to amend an Act approved April 17, 1882, entitled 'An Act to authorize the con struction and maintenance of a court-house in Newport, Campbell county, and to increase the powers and duties of the Commission ers of the said district,'" approved March 13, 1886, as exempt from taxation by the Fiscal Court of Campbell county, persons residing or property situate in the district created by said acts be, and the same is, now repealed.

2. TAX FOR PAYMENT OF BONDS AND MAINTENANCE OF COURT-HOUSE.—That all of said acts which provide for the Com missioners paying any part of the county expenses, or paying anything more than the bonds and interest coupons thereon, issued to build the court-house and the expense of maintaining the court house and the courts and officers therein, be and the same is now repealed; and said Commissioners shall continue to levy and collect the tax provided for in said act for said purposes, and none other.

3. Nothing herein, however, shall exempt the Comissioners from paying the debt they now owe to the Fiscal Court.

4. The Commissioners shall not, after the year 1898, levy a

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Newport and Covington Bridge Company.

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tax exceeding six cents on the one hundred dollars' valuation of property.

5. This act shall take effect ninety days after the final adjournment of the Legislature.

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### NEWPORT AND COVINGTON BRIDGE COMPANY.

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AN ACT incorporating the Newport and Covington Bridge Company. Approved January 1st, 1852.\*

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. CORPORATORS — CORPORATE NAME — PURPOSE — POWERS.—That Henry H. Mayo, Thomas L. Jones, George R. Fearons, James L. Doxon, Richard H. Hayman, Edward L. Southgate, F. A. Miller and H. C. Gazaway, of the City of Newport; and A. Greer, M. M. Benton, John W. Stevenson, Samuel Walker and James Southgate, of the City of Covington, be, and they are hereby, created a body politic and corporate, by the name and style of "The Newport and Covington Bridge Company," for the purpose of constructing one or more permanent bridges across Licking river from the City of Newport to the City of Covington, at such point or points as may be deemed best; and they, and those who become stockholders, as hereinafter provided, and their successors, shall continue and have perpetual succession, and, by that name and style, are hereby made capable in law as

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\* The cities of Covington and Newport, pursuant to Section 3 of this Act, became and are the owners of the whole amount of stock, each city owning one-half thereof. The cities have by custom alternated in the selection of directors, three out of the five being chosen alternately from each city.

By Act approved April 15, 1881, members of the City Council are ineligible while members, and for one year after the expiration of their office, to become directors.

**Newport and Covington Bridge Company.**

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natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of law or equity; and to make, annul, and use a common seal, and the same to break or alter at pleasure. They shall also have the power to purchase and hold as much real estate as will be needed for the sites of said bridge or bridges, or for the abutments, piers, toll-houses, and suitable avenues leading to the same. They shall have the right to borrow money, not exceeding the capital stock hereinafter mentioned; but not to have or exercise the privilege of loaning money, or issuing bills or notes on banking principles. They shall have power to establish such by-laws, ordinances and regulations as shall be deemed necessary for the good government of said corporation, not inconsistent with the laws and constitution of this State or the United States.

**Sec. 2. CAPITAL STOCK — OFFICERS — ELECTION — STOCK-HOLDERS' MEETING.**—The capital stock of said company shall consist of one thousand shares, of twenty-five dollars each, to be increased to three times that amount and number of shares, or to any amount and number of shares which may be deemed necessary for the erection of one or more bridges, as aforesaid, by said company, not, however, to exceed three times the capital stock as herein provided for, which shall be subscribed for and sold in the manner hereinafter named. The persons named as aforesaid, or a majority of them, shall cause a public advertisement to be made of the time and place of opening books for the subscription of stock, which shall be kept open until at least two hundred and fifty shares shall be subscribed; and when said two hundred and fifty shares shall be subscribed, the said persons, or a majority of them, shall advertise a meeting of the stockholders, who shall thereupon proceed to the election of five directors, who shall be residents of the State of Kentucky; and said directors shall elect one of their body as president; and the said president and directors shall fix what compensation the said president, and such other officers and agents as they may appoint, shall be entitled to receive. At the election of directors, each shareholder shall be entitled to one vote for each share he may own to the number of five, and

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Newport and Covington Bridge Company.

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one vote for every three shares over five; and said shares shall be voted in person or by written proxy. The said directors, thus elected, shall continue in office until the first Monday in June ensuing the election thereof, and until others are chosen. On the first Monday in June, in each year, the stockholders shall meet, in person or by proxies, at their office, and elect directors for the ensuing year, who shall elect a president as aforesaid. At such annual meetings a full and fair statement of the affairs of the company shall be made out and presented to the meeting, and such dividends of the profits declared as may be deemed advisable.

Sec. 3. ORGANIZATION — RIGHT OF CITIES TO SUBSCRIBE.—The entire business and management of the corporation shall be under the control of said board of president and directors, or a majority of them; and they shall make such calls on the shareholders, payable at such periods and places as they may deem proper, with such conditions of forfeiture for non-compliance, not exceeding the amount of stock delinquent, as they may deem right and proper. The said persons, or a majority of them, or the said directors, or a majority of them, may, from time to time, open books to receive subscriptions of stock, until the whole amount thereof be subscribed; *Provided*, That the cities of Newport and Covington, or either of them, the other refusing, shall have power to subscribe the whole or any part of said capital stock within ninety days after the books, as aforesaid, are thus opened, to the exclusion of every individual or individuals or other corporations; and the board of common council of said cities are hereby authorized and empowered to borrow any sum or sums of money that may be deemed necessary for that purpose, in such manner and at such times as may be deemed best, and to issue bonds therefor at a rate of interest not exceeding ten per centum per annum, and pledge the stock of said city or cities, in said bridge or bridges, for the payment of the principal and interest of said bonds; but after the expiration of ninety days after said books shall have been opened, as aforesaid, the whole or any part of said capital stock, which has not been subscribed by said cities, may be subscribed by individuals or corporations. The said Board may appoint a Clerk,

**Newport and Covington Bridge Company.**

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Treasurer, and such other officers or agents as they may deem needful, and allow them such compensation as they may deem proper, and make such rules and regulations, in order to enforce a faithful discharge of their duties, as to them may seem fit. The said Board may make contracts with any person or corporation touching the business or affairs of the company, and do all things needful for the erection and completion of said bridge or bridges. They may require and take such bond or other security, in their corporate name, from any person or persons they may so appoint or contract with; and in the event of the death, resignation, or vacancy of a director, or of the president, said Board may supply the vacancy.

**Sec. 4. BRIDGE SITE.**—The said Board shall have power to purchase and receive the conveyance of a site or sites for said bridge or bridges, abutments and piers.

**Sec. 5. RATES OF TOLL.**—That the president and directors shall have the right to fix the rates of toll for passing over said bridge or bridges, and to collect the same from all and every person or persons passing thereon, with their goods, carriages and animals of every description and kind; and the rates of toll shall be posted up in some conspicuous place where the toll is demanded.

**Sec. 6. PENALTY FOR INJURING BRIDGE — EVADING TOLL.**—If any person or persons shall willfully do any act or thing whatever, whereby the said bridge or bridges, or any part thereof, or anything attached thereto, is injured or damaged, the said person or persons, so offending, shall each forfeit and pay three times the amount of the damage thus done or sustained, with costs of suit, recoverable before any court of competent jurisdiction, by suit in the name of said company, and shall likewise be subject to fine or imprisonment, upon an indictment of a grand jury, in any number of days, in the discretion of a petit jury; and if any person shall pass or attempt to pass such bridge or bridges without paying the toll, if there be any person present to receive the same, he or she shall forfeit and pay three times the amount of the tolls, recoverable before any Justice of the Peace, Mayor, or Police

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Newport and Covington Bridge Company.

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Judge. And if any person or persons shall willfully set fire to said bridge or bridges, or either of them, or any part thereof, or cause the same, or either of them, to be burned, in whole or in part, such person or persons, so offending, shall be held and deemed guilty of arson, and punished accordingly.

Sec. 7. CONDEMNATION PROCEEDINGS.—If the owner of any land necessary for the abutments, the site, or any avenue leading thereto, so as to connect the said bridge or bridges with the streets of said cities, on either side of said river, shall object to sell said land, at such price as the Board may think reasonable, it shall be lawful for said Board to apply to the Mayor of the City of Newport, should the land be situated in the City of Newport, or to the Mayor of the City of Covington, if situated in the City of Covington, for a writ of *ad quod damnum* to issue, and which may be issued, directed to the Marshal of the city in which the land may be situated, requiring him to summon a jury of freeholders of the city, who shall be disinterested; and said Marshal shall have power to supply, by summons, other persons to act as jurors, if needed, qualified as aforesaid; and the said jurors shall be sworn by said Marshal, well and truly to inquire the value of the land to be condemned, and the damage thereby resulting to the owner thereof, according to the facts and evidence submitted to them by the parties. The verdict of the jury, when rendered, signed and sealed by said jury, shall be forthwith returned to said Mayor, and if no legal and valid exception be taken thereto, the same shall be entered of record by him; and if, at any time within one year thereafter, the amount so assessed shall be paid, the title to the land applied for and thus condemned shall vest in said company; and the Mayor aforesaid, who shall have issued the writ, shall execute a deed of conveyance thereof, which shall pass the legal title.

Sec. 8. CITIES MAY PURCHASE.—The cities of Newport and Covington, or either of them, the other refusing to join, may, at any time after ten years, be at liberty to purchase the said bridge or bridges, by paying the original cost thereof, with six per centum interest thereon, should the stock in said company be sub-

**Sewer Act.**

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scribed, in part or in whole, by individuals or other corporations than said cities.

Sec. 9. NAVIGATION NOT TO BE OBSTRUCTED.—Nothing in this act shall be so construed as to give to said company power to erect a bridge or bridges which will obstruct the free and common navigation of said Licking river.

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**SEWER ACT.**

AN ACT to provide for sewerage in the City of Newport.\*  
Approved April 16, 1890.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. SEWERAGE DISTRICTS.—That the Board of Councilmen of the City of Newport shall divide said city into sewerage districts, having in view the economical construction of a system of sewerage adequate to the needs of the city and the water-sheds of the territory included therein. They shall employ engineers skillful in such matters, who, together with the City Engineer, shall report to the said Board one or more such divisions, and also one or more schemes for sewerage same, showing dimensions of the several sewers in the district, and such other data as they deem proper, together with estimates of the cost of the system reported in each district, and estimates of the rate of tax on the one hundred dollars' valuation, according to the then assessed value of real estate in the several districts, it will require each year for twenty years to pay interest at the rate of five per cent. on the unpaid part and one-twentieth of the whole cost according to the several schemes. The City Engineer, by and with the consent of

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\* Construction of sewers under this act since the present charter act upheld in Warren vs. City of Newport, 23 R. 1006, and Dyer vs. City of Newport, 26 R. 204.

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Sewer Act.

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the Board of Councilmen as to number and compensation, may employ such assistants as may be necessary to enable him to secure data proper and necessary in the preparation of such report. Said division into districts shall be made by ordinance, which shall designate the several districts by letters ; and when the ordinance shall have been adopted, no district for the sewerage of which bonds may have been issued shall thereafter be changed.

Sec. 2. DISTRICT — HOW ORDERED SEWERED.—Any district may be ordered to be sewered by ordinance passed by the Board of Councilmen in the usual way, provided that the owners of property in the said district, the total assessment of which is more than one-half of the total assessment of all property in the district petitioned therefor, or without such petition if two-thirds of the members-elect to said Board vote therefor, on a call of the yeas and nays, which shall be recorded on the journal.

Sec. 3. ORDINANCE — REQUIREMENTS OF.—The ordinance shall direct the City Engineer to report all plans and specifications for the work and an estimate of its entire cost, and also an estimate of the rate of tax on the one hundred dollars' valuation, according to the then assessed value of real estate in the district, it will require each year for twenty years to pay interest at the rate of five per cent. on the unpaid part of and one-twentieth of the whole cost. The ordinance may provide for the employment of consulting engineers and assistants by the City Engineer in the preparation of said plans and specifications. The Board of Councilmen shall adopt either the plans or specifications reported, or others, if others ; before any contract is let, the City Engineer shall prepare and report like estimates on the plans and specifications adopted as reported on his first plans and specifications. When plans and specifications shall have been duly adopted and estimates of cost shall have been reported, then the Board of Councilmen may cause advertisements to be had for bids for the construction of sewers in the district according to the said plans and specifications, either for the whole system or for different parts of same, or both, in their discretion. All bids shall be on blanks furnished by the city, and no bids shall be entertained unless accompanied

**Sewer Act.**

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by the obligation of two responsible sureties, acceptable to the Board of Councilmen, that they will become sureties for the bidder that his contract will be fully performed if his bid be accepted. No bid which is higher than the estimated cost shall be received; if there be no bids within the estimate, or the Board of Councilmen think it proper, a re-advertisement shall be had, and this course shall be continued until a bid within the estimate and satisfactory to the Board be received. The said Board may, on a vote of two-thirds of the members-elect, on a call of the yeas and nays, which shall be recorded, order a new estimate of cost to be made, under which the contract may be let, as provided under the first estimate. When a bid has been accepted, a contract shall be executed by the bidder and his sureties with the city for the construction of the sewers according to the plans and specifications, and providing that the contractor shall take, at the option of the city, bonds herein provided for in payment at their face value. All work done and material furnished shall be under and subject to the inspection and supervision, approval or rejection, of the Board of Improvements of the City of Newport; which said Board is hereby constituted the sole and final arbitrators to determine whether said work is being constructed or has been completed according to contract, and on their report the Board of Councilmen shall accept or reject said work, and if they reject it, they shall, at the cost of the contractor and his sureties, in such manner as they may deem best, have the work done to conform to the contract. From time to time, as the work progresses, the Engineer shall make estimates of the work, which, when approved by said Board, shall authorize the Board of Councilmen to pay to the contractor on account of the contract not more than eighty per cent. of the estimate.

Sec. 4. **BONDS — FORM, ETC.**—When the contract or contracts for sewerage any district shall have been entered into, bonds of the City of Newport, to be denominated "Sewerage Bonds," shall be issued in denominations of one thousand, five hundred, and one hundred dollars, or either or all, which, under the circumstances, shall be most desirable, to an amount equal to or the least

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Sewer Act.

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possible excess of a sum sufficient to pay the contract price for the work and the incidental cost of preparing to and letting the contract. They shall designate the sewerage district for the sewerage of which they are issued, and the bonds shall be numbered consecutively; they shall be dated the first of January or the first of July next succeeding and nearest the date of the contracts; they shall bear interest at a rate not to exceed five per cent. per annum, payable semi-annually, which shall be represented by coupons attached to the bonds; they and the coupons attached shall be payable at the City Treasurer's office. The bonds, twenty-one years after date, and one-twentieth in amount of them as nearly as they may be divided, shall, at the option of the city, be payable each year for the first twenty years. Said option shall be indorsed across the face of each bond, designated after what number of years the bond may be paid. All bonds shall have the city seal affixed, and be signed by the Mayor and City Clerk, and the coupons by the Clerk alone. All bonds shall be engraved alike, and the only blanks in them shall be the spaces for numbering and lettering, and for the number of years after which the city may, at its option, redeem same. The option of the city to redeem bonds shall be declared by notice, designating the bonds to be redeemed by district letter and bond number, posted in a conspicuous place in the City Treasurer's office for the first ten days of either January or July each year, and interest shall cease on the bonds so designated from the date of the notice. The City Clerk shall keep a record of said bonds, showing such facts as the Board of Councilmen may by resolution direct. The Board of Councilmen shall each year, at the same time they are required by law to pass the ordinance levying the general and current taxes of the city, pass an ordinance levying an *ad valorem* tax on the real estate in the district, at the then assessed value thereof, sufficient to pay the interest for the year on the bonds issued, and the bonds which the city may redeem that year, and direct the City Clerk to add the same as an item in the regular tax bills for that year, and said item shall be subject to the same penalties and collected in the same way as the balance of the bill, and in an action or

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General Note.

proceeding to collect the same, the tax bill shall be *prima facie* evidence that all necessary proceedings were had to authorize the tax. After the bonds shall be issued, no defect in the proceedings shall validate the levy of the tax or delay its collection. Neither bonds nor coupons shall be destroyed, but as soon as paid the word "Paid" shall be cut out of the center of the bond and coupon, and they shall be filed away, each district separately, and kept for ten years after the maturity of the last bond of the district. No action shall be allowed to charge the City of Newport, or any property herein, on any of said bonds or interest coupons ten years after maturity.

Sec. 5. BONDS — DELIVERED TO CITY TREASURER — HOW SOLD.—When said bonds are executed, they shall be delivered by the Mayor and Clerk to the City Treasurer, who shall give a receipt therefor, but before such delivery or the execution of said bonds, the City Treasurer shall give a bond with two or more sureties, acceptable to the Board of Councilmen, to faithfully keep, pay over and account for said bonds or their proceeds, as directed by said Board of Councilmen. The Board of Councilmen may sell said bonds, but not for less than their face value, either in whole or in part, at one time or at several times, or may deliver the bonds to the contractor, as in their discretion may seem best. Any surplus funds that may arise in issuing bonds or from the sale of them shall be applied to reduce the annual levy authorized hereby to pay interest and principal of said bonds.

Sec. 6. This act shall take effect from and after its passage.

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#### GENERAL NOTE.

In addition to the acts set out in full herein before, the following may be noted in reference to certain liabilities, rights and properties of the city:

- (1) Newport was first established by "An Act to establish the town of Newport," approved December 14, 1795.
- (2) The present name and style, "City of Newport," was first fixed

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General Note.

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by an Act approved February 21, 1849, providing, "That the name and style of the town of Newport shall be changed to that of the city of Newport."

(3) *Bonds.*—Outstanding, issued under special Acts, and not refunded under the provisions of the present laws, were issued under the following Acts, respectively:

20 years, Redemption, \$81,500.00, dated July 1, 1886, issued under Act approved April 28, 1886.

25 years, Licking Bridge, \$37,000.00, dated July 1, 1886, issued under Act approved March 18, 1886.

25 years, Newport Street, \$124,600.00, sundry dates, issued under Act approved April 24, 1890.

1—20 years, Sewerage, \$214,200.00, sundry dates, issued under Act approved April 16, 1890.

The following are outstanding funding and refunding bonds issued under the present laws relating to cities of the second class, to fund the floating debt and refund bonds of previous issue:

30 years, Water-works Renewal, \$539,000.00, dated January 1, 1901.

20 years, Refunding, \$92,000.00, dated May 1, 1894.

20 years, Flood Refunding, \$35,000.00, dated July 1, 1904.

20 years, Refunding, \$10,000.00, dated February 1, 1894.

20 years, Funding, \$45,500.00, dated August 1, 1893.

20 years, Funding, \$7,000.00, dated October 1, 1893.

The foregoing represent the total bonded indebtedness of the city of Newport as of December 31, 1904, with the exception of a \$1,000.00 water-works bond, matured, but not demanded. The above does not include the bonded indebtedness of the Board of Education.

(4) *Cemetery.*—By virtue of an Act to incorporate the "Newport Cemetery Company," passed February 5, 1866, vesting in said corporation the title of all lands theretofore purchased by the city of Newport for cemetery purposes, with the consent of said city, and by deed from the city of Newport to the Newport Cemetery Company, of date November 2, 1866, recorded in Deed Book 4, page 373, made pursuant to said act, the right is given to the city of interring its pauper dead in said company's cemetery.

(5) *Esplanade or Common.*—By Section 7 of the original Act establishing the town of Newport, referred to above, it was provided "that such part of said town as lies between the lots and the rivers Ohio and Licking, as will appear by reference to said plat, shall forever remain for the use and benefit of the said town for a common; reserving to the said James Taylor and his heirs and assigns every advantage and privilege which he has not disposed of, or which he would by law be entitled to"; and by Act approved March 1, 1848, power is given to extend streets through the esplanade or common on the Ohio river.

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General Note.

(6) *City Park.*—By an Act approved December 26, 1803, the purchase made by the United States of five acres and six square poles in the town of Newport, for the purpose of erecting an arsenal and other public buildings thereon, was ratified and confirmed, vesting in the United States the power to exercise the exclusive jurisdiction therein, subject to the right to demand on behalf of the Commonwealth persons charged with crime. By an Act of the Congress of the United States, entitled "An Act granting certain property to the city of Newport," approved July 31, 1894, said property was granted to the city for park purposes; in pursuance of said Act, on January 1, 1895, said property was formally transferred, by order of the Secretary of War, by M. A. Cochran, Colonel Sixth Infantry, commanding at Newport Barracks, and was on that date accepted by Paris C. Brown, Mayor, on behalf of the city.

(7) *Public Square.*—On September 1, 1795, the property constituting the Court-house Square was by deed conveyed by the original proprietor to the trustees of Campbell county and their successors, by which, in consideration "of said Justices and the Justices of the Court of Quarter Sessions having fixed on Newport, at the confluence of the Ohio and Licking rivers, for the seat of justice for said county," said property was conveyed "as a public square, to be appropriated as they might think proper, for the use of public buildings." Upon the removal of the county seat from Newport in 1840, it was held in Campbell County Court vs. Town of Newport, 12 B. M. 538, "that the conveyance being in trust for public purposes, and the seat of justice being removed, that a trust resulted in favor of the town for public purposes."

(8) *Streets.*—By Act approved April 4, 1861, power is given the city and the Campbell County Turnpike Company to contract in reference to that part of the road between Ringgold street and Constans' brewery, and said part of said road may become a part of the city, subject to all its laws and regulations.

(9) *Water-works.*—The original Act, under which the construction of the water-works was instituted, was passed January 21, 1871, and provisions with reference thereto were made in the Charter Act of February 17, 1874.

## P A R T III.

General Ordinances of the City of Newport.



# GENERAL ORDINANCES.

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NOTE.—Numbers of sections in parentheses ( ) are the numbers of the sections of the original ordinances.

*Subjects*—

- Buildings, § 1.
- Council, General, § 16.
- Electric Illumination, § 26.
- Fire Department, § 53.
- Health, § 60
- Library, Public, § 117.
- Licenses, § 121.
- Markets and Marketmaster, § 182.
- Offenses and Punishments, § 216.
- Officers and Employees—
  - (a) General provisions, § 282.
  - (b) Assessor, § 293.
  - (c) Auditor, § 298.
  - (d) Clerk § 301.
  - (e) Delinquent Tax Collector, § 305.
  - (f) Engineer, § 308.

*Subjects*—

- (g) Jailer, § 309.
- (h) Janitor, § 322.
- (i) Police Judge, § 325.
- (j) Police and Fire Commissioners and Police, § 326.
- (k) Solicitor, § 331.
- (l) Superintendent of Public Works, § 332.
- (m) Treasurer, § 335.
- Poor, § 338.
- Public Work. § 355.
- Sewers, § 358.
- Streets and Sidewalks, § 398.
- Wards, § 461.
- Water Works; § 462.
- Weights and Measures, § 519.
- Wharves, § 533.

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## BUILDINGS.

An Ordinance requiring the construction of fire escapes upon certain buildings, upon notice. (Approved February 2, 1904.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ I. (1) BUILDINGS REQUIRING FIRE ESCAPES—DUTIES OF CHIEF OF FIRE DEPARTMENT AND OTHERS.—That all buildings of three or more stories in height within the corporate limits of the City of Newport, Ky., and all of such buildings of three or more stories in height hereafter builded, constructed or erected within the said corporate limits, except private residences and stores and warehouses in which not more than twenty persons are employed, shall be provided with one or more permanent metallic ladders or fire escapes, extending from the first story to the upper stories of such building or buildings, and above the roof and on the outer walls thereof, in such location, numbers and

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**§§ 2—4. Buildings—Fire Escapes.**

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character of construction as the Chief of the Fire Department or the chief fire officers of the City of Newport, Ky., may determine. The said Chief of the Fire Department or chief fire officers shall examine all buildings of the kind and character above described, and serve, either in person or by deputy, a notice, in writing, upon the owner, agent or lessee or occupant of every such building not herein specifically excepted, by leaving at his or her residence or place of business a copy of such notice, setting forth the number, kind, construction and location of the ladder or ladders required, and directing that the work shall be completed not later than thirty days from the filing of aforesaid notice.

**§ 2. (2) AGENT OF OWNER FAILING SO TO DO REQUIRED TO PLACE FIRE ESCAPE — LIENS FOR EXPENSE.—**In the event the owner of such building or buildings fails to take steps looking to the compliance of said notice and specifications thereof, then the agent, lessee or occupant, who is jointly liable for the violations of the provisions of this ordinance, shall, and must, have the work performed at his own or her own expense, and for such expense, such agent, lessee or occupant shall have a lien upon any such building or buildings, and the same is hereby declared to exist after record in the office of the County Clerk.

**§ 3. (3) NOTICE, HOW SERVED.—**It shall be the duty of the Chief of the Fire Department or the chief fire officer to serve notice aforesaid upon each and every owner, lessee, agent or occupant of any such building or buildings within the corporate limits of the City of Newport, Ky.

**§ 4. (4) PENALTY.—**That any owner or owners, agent or agents, lessee or lessees, occupant or occupants, who shall violate the provisions of this act, notice having been served by the Chief of the Fire Department or chief fire officer of the City of Newport, Ky., or his deputy, shall be fined not less than fifty dollars nor more than two hundred and fifty dollars for each and every thirty days such building or buildings may be unprovided with ladders or fire escapes required by the provisions of this ordinance, same to be recoverable on motion before any court of competent jurisdiction.

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§§ 5, 6. Buildings, Insecure.

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An Ordinance in reference to insecure buildings, walls, superstructures and other property in the City of Newport, Ky., and providing for the putting of same in a secure condition, or for the abatement and removal thereof. (Approved August 5, 1897.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 5. (1) SPECIAL COMMITTEE.—That the Mayor, City Engineer, Superintendent of Public Works, Chief of the Fire Department and the Chairmen of the Improvement Committees of the Boards of Aldermen and Councilmen, all officers of the City of Newport, Ky., be, and the same are hereby, made a special committee of the General Council of said city, with full power and authority to act and perform such duties in reference to insecure and dangerous buildings, walls, superstructures and other property in said city as hereinafter provided, and such officers shall serve without compensation.

§ 6. (2) DUTIES OF COMMITTEE — NOTICE TO OWNERS AND AGENTS.—It shall be the duty of said committee, upon being informed, or the coming to its knowledge, that any building, wall, superstructure or other property in the City of Newport is insecure or dangerous, or about to become so, to closely examine the same, and if it be satisfied that it is insecure and dangerous, so that the whole or any part thereof is likely to give way or fall, or is otherwise dangerous to persons in or about it, or to persons passing by or near it, or to any adjacent property, to give written notice to the owner or owners thereof, or, if they may not be found, to their agents, to make the same secure, or to abate and remove same, and upon said owner or owners or their agents failing within the time specified in said notice to make said building, wall, etc., secure, or to abate and remove same, the said committee shall make a report to the General Council in regard to the facts and its action in the matter, in order that said Council may direct such measures to be taken as will make secure, or, if necessity requires, abate and remove the said building, wall, etc., and collect the costs and expenses so accruing, by suit or otherwise, from

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**§§ 7, 8. Buildings—Regulations.**

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said owner or owners; *provided*, always, that if in the opinion of said committee the insecure and dangerous condition of such building, wall, etc., is such as to render it improper to await the action of the General Council, then said committee may order such necessary measures to be taken, according to the circumstances of the case, as will prevent danger, and shall report the cost and expenses incident to the putting in a secure condition, or the abatement or removal of such building, wall, etc., to said General Council, to be collected as aforesaid. If no owner or agent be in the city to whom said notice can be given, then the tenant or lessee shall be notified, and in case neither the owner, agent, tenant nor lessee can be found upon reasonable search, then the actions and measures hereinbefore provided for shall be taken without notice.

**§ 7. (3) PENALTY.**—That if any such owner or agent shall willfully refuse or purposely neglect to comply with the notice authorized by the second section of this ordinance, he, she or they shall, upon conviction thereof before the police court, be fined not exceeding one hundred dollars and costs of prosecution.

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An Ordinance providing for the regulation of building in the City of Newport, Ky., and the protection of the streets, alleys, lanes, avenues, commons and other public places therefrom by persons using same while building. (Approved January 4, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 8. (1) BUILDING PERMITS.**—That hereafter whenever any person or persons shall erect or cause to be erected, improve or cause to be improved, any house, hall or other structure within the limits of the City of Newport, the owner or owners of said house, structure, etc., or his or her or their duly authorized agent, shall first make application to and obtain from the Superintendent of Public Works of said city a permit to use and occupy the streets or other public spaces or places of said city for the purpose of

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§§ 9, 10. Buildings—Regulations.

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depositing thereon the materials necessary in the construction of said houses, etc. And in like manner shall application be made for any permits obtained for the digging of vaults, sub-cellars, areas, the erection of balconies, and the removal of buildings across or over said streets, etc., of said city.

§ 9. (2) PERMITS — APPLICATION FOR — FORM OF.—All applications provided for in the preceding section shall be in writing, giving the name of the owner or owners of the premises, and must fully state the location and the portion of said streets, etc., required, and the length of time of such desired occupation thereof, and must also state the size, height, character and purpose of the proposed structure, together with the material of which the same is to be composed, whether of brick, stone, wood or iron, and the contract price of the construction thereof, or an estimated cost if there be no contract therefor; and the exact location, size and character of vaults, areas and sub-cellars, with the contract price or estimated cost, shall be likewise stated.

§ 10. (3) OCCUPATION OF STREETS — TERMS — CONDITIONS.—The use and occupancy of said streets, etc., as aforesaid, shall not be granted for longer than a period of four months in the first instance, but for good cause may be renewed from time to time for one month each time; nor shall the use and occupancy of any part of the streets, etc., be granted except that in front of the premises on which the proposed building is to be erected; nor shall any materials be prepared in the streets which can be prepared elsewhere; nor shall the gutter in anywise be interfered with, but must at all times be kept free from obstruction; nor shall the street be used beyond the center thereof, provided that on streets whereon there is a street railway track, the street shall not be granted to a distance greater than within three feet of said track. The permits shall be issued by the City Clerk upon the order of the Superintendent of Public Works and payment to the Treasurer of the sum of one dollar where the frontage of the lot improved is thirty feet or less, and one dollar extra for any excess over thirty feet; the revenue derived therefrom to be placed to the credit of and form a part of the Police Fund of said city.

**§§ 11, 12. Buildings—Regulations.**

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**§ 11. (4) OPENINGS — BALCONY — VAULT.**—No area or other opening shall project from the line of the street, etc., more than one-third the width of the sidewalk, but in no case to exceed four feet from the line of the street, etc., and no such area or opening shall be allowed, except the same be properly and securely protected by iron or wooden railings, or be covered with a good, substantial floor or covering placed or arranged on a level with the sidewalk, perfectly secure and of the least possible impediment to public travel. And no grate attached to an area or opening shall be allowed to open outward across the sidewalk, and all grating or other covering or railings shall be kept in constant good repair by the owner thereof. And no balcony shall project more than four feet from the line of the street, etc., over the sidewalk or street, etc., and shall be not less than ten feet from the level of the sidewalk or street, etc.; and *provided further*, that no person shall, in the construction of a vault, be permitted to interrupt the passage over a sidewalk exceeding twelve days for each twenty feet in length of a vault; and in no case shall more than thirty feet in length of sidewalk be broken up at any one time, and from the time the excavation is commenced until completed, it shall be securely protected on all sides by a substantial barricade, and shall give a bond to save the city harmless.

**§ 12. (5) VAULTS — CONSTRUCTION — APPROVAL OF SUPERINTENDENT OF PUBLIC WORKS.**—All vaults shall, in a safe and substantial manner, and subject to the approval of the Superintendent of Public Works, or other duly authorized agent of the city, be constructed entirely out of brick and stone, and good lime mortar, with the openings thereof inside, and within ten inches of the outside of the curbstone, which openings shall be covered with iron gratings, the bars of which shall be not less than one inch square for a grate of eighteen inches diameter; bars of any other length to be of this proportion, and the space between the bars shall not exceed one inch; and all grates shall be securely imbedded in cast-iron rim or frame, and the upper side of all grates or other coverings shall be level with the surface of the pavement.

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§§ 13—17. Council, General—Aldermen, Number.

§ 13. (6) STEPS — RAILINGS — PORCH.—No step or steps, railings, porch or portico, above the level of the sidewalk, shall be allowed to project from the line of the street, etc., more than one-fourth the width of the sidewalk into the street, etc.

§ 14. (7) SURPLUS MATERIAL.—All surplus or useless material must be removed forthwith after the maturity of the time allowed for deposit of material, and all obstructions removed, and the street, etc., put in good repair.

§ 15. (8) PENALTY.—Any person or persons violating any of the provisions of this ordinance shall, on conviction thereof, be fined not less than ten dollars, nor more than thirty dollars, with costs of prosecution.

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## COUNCIL, GENERAL.

An Ordinance increasing the members of the Board of Aldermen of the City of Newport, Ky., from four in number to five in number.  
(Approved November 30, 1900.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 16. (1) NUMBER OF ALDERMEN INCREASED.—That the number of members of the Board of Aldermen of the City of Newport, Ky., be, and the same is hereby increased from four in number to five in number.

§ 17. (2) ELECTION OF ADDITIONAL MEMBER.—That the additional member of said Board of Aldermen as provided for herein shall be elected at the regular election in November, (1900) nineteen hundred, A.D., and the member so elected shall assume the duties of his office as such Alderman on the first Monday in January, 1901, and hold same for the term of two years thereafter, and until his successor is elected and qualified, as required by law.

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§§ 18—23. Council, General—Meetings.

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An Ordinance fixing the place of meeting of the General Council of the City of Newport, Ky. (Approved March 20, 1901.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 18. (1) GENERAL COUNCIL — PLACE OF MEETING.—That the place of meeting of the General Council of the City of Newport, Ky., shall be in the court room of the new city building.

§ 19. (2) REPEALING CLAUSE.—All other ordinances in conflict herewith are hereby repealed.

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An Ordinance fixing the time of meeting of the several branches of the General Council of the City of Newport, Ky. (Approved February 20, 1900.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 20. (1) COUNCIL — TIME OF MEETING.—That the Board of Councilmen shall meet at the Council Chamber each alternate week, beginning Thursday, March 1, 1900, and from April 1 to October 1 at eight o'clock P. M., and from October 1 to April 1 at half-past seven o'clock P. M.

§ 21. (2) ALDERMEN — TIME OF MEETING.—The Board of Aldermen shall meet at the Council Chamber each alternate week, beginning Thursday, February 22, 1900, and at three o'clock P. M. (*See Section 24.*)

§ 22. (3) GENERAL COUNCIL — JOINT SESSION.—The General Council shall meet in joint session at the Council Chamber at such times as the Mayor shall call same, or at such times as a joint resolution fixing a time for meeting shall be passed by both bodies. The Mayor shall call a joint session at the request in writing of two members of each body.

§ 23. (4) REPEALING CLAUSE.—All other ordinances in conflict herewith are hereby repealed.

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§§ 24—26. Electrical Illumination—Regulations.

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Resolution of Board of Aldermen. (Adopted April 4, 1901.)

§ 24. ALDERMEN — RESOLUTION FIXING TIME OF MEETING.—*Resolved, by the Board of Aldermen,* That the time for the regular meetings of this Board be changed from 3 o'clock P. M. to 8 o'clock P. M., commencing with Thursday, April 4, 1901, and continuing for every alternate Thursday thereafter.

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Joint Resolution. (Approved June 28, 1901.)

It being deemed advisable and as authorized in Section 4 of Article II., City Charter, [Kentucky Statutes, § 3045.] to cause the proceedings of each Board of the General Council to be published in one of the daily German newspapers for the benefit of many of our good citizens and taxpayers;

§ 25. PUBLICATION OF PROCEEDINGS IN GERMAN NEWSPAPERS — MAYOR TO SELECT.—Now, therefore, *Be it resolved by the General Council,* That the Mayor be, and he is hereby authorized and empowered, as provided by laws on the subject, to select one of the daily German newspapers published in this vicinity for above purpose, under the same conditions as now existing in relation to the publication of the same matter in the English language.

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### ELECTRICAL ILLUMINATION.

An Ordinance prescribing terms and conditions under which the business of electrical illumination may be engaged in within the corporate limits of the City of Newport by any person, company or corporation securing permission by special ordinance to so engage. (Approved January 4, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 26. (1) GRANT SUBJECT TO CONDITIONS —That whenever permission is by ordinance granted to any person, company or

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§§ 27—31. Electrical Illumination—Regulations.

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corporation to engage in the business of electrical illumination, it shall be under the following expressed terms and conditions:

§ 27. (2) GRANT—TERM OF.—The grant to occupy the streets, lanes and public grounds of the City of Newport for the purpose of erecting and maintaining poles, masts, towers, brackets and supports, with the necessary wires thereon, shall be for such period of time as the General Council shall determine at the date of the passage of any special ordinance, and according to the Constitution and laws of the State of Kentucky.

§ 28. (3) GRANT—AS TO PLACES ALREADY OCCUPIED—INTERFERENCE.—No grant shall be made to thus occupy the side of any street, lane, alley or public place whereon poles, masts, towers, brackets or supports have already been erected for the maintenance of telegraph or telephone wires, unless both sides of said street, alley, lane or public place are already so occupied, or upon any other street, lane, alley or public grounds in such manner as to interfere with, obstruct or inconvenience any person in his or her right to the free use of such streets, lanes, alleys, etc.

§ 29. (4) POLES, ETC.—SPECIFICATIONS.—And all poles, masts, towers, brackets and supports, whenever and wherever erected, shall be of sufficient height to carry any wires placed thereon above and clear of all obstructions growing out of the character of the buildings adjoining such lines, or the nature of the business carried on therein; and in no case shall they be attached to the eaves or roofs or tops of houses without the consent of the owner thereof, properly authenticated to the Superintendent of Public Works; and no poles, masts, towers, brackets or supports shall be of less height than thirty feet.

§ 30. (5) CROSSING LINES.—And wherever it shall be necessary to cross the line of any existing electric light, telegraph or telephone lines, it shall be at a distance of not less than three feet therefrom, unless absolutely necessary, and then only on permission in writing being granted by the Superintendent of Public Works on the recommendation of the City Engineer.

§ 31. (6) ALLEYS TO BE OCCUPIED WHERE PRACTICABLE—

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§§ 32—35. Electrical Illumination—Regulations.

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OCCUPATION OF PRIVATE PROPERTY.—That it shall not be admissible to occupy any main street with such poles, masts, towers or supports where it is practicable to penetrate any district or supply the occupants of any one square by erecting and maintaining such supports in the alley-ways of such city, or when such occupation shall obstruct said alley-ways, then by acquiring the right to occupy such portions of private property abutting thereon as may be necessary for the maintenance of such posts, masts, towers and supports in such manner as may be determined by the General Council.

§ 32. (7) POSTS, ETC., PAINTED.—That all such posts, masts, towers, brackets and supports, carrying electric light or power wires, when erected shall be painted a bright red, or such other color as the Superintendent of Public Works may determine, in order that the character of the wires carried thereon shall be understood.

§ 33. (8) POLES MARKED.—All poles now standing or hereafter erected for the support of electric light or power wires shall be marked with the name or initials of the company owning them, at a point five feet from the ground. If a pole be used by more than one company, each cross-arm, or, if necessary, each wire, must be marked or labeled so as to indicate the owner.

§ 34. (9) POLES, ETC.—JOINT OCCUPATION.—That the person, company or corporation erecting such lines of poles, masts, towers or supports shall, upon the payment to them of a fair proportion of the original cost of erection of the portion to be so occupied and possessed, and a monthly rental equivalent to a fair proportion of the cost of erection and maintenance of the portion to be so occupied and possessed, permit any other person, company or corporation to occupy and possess equal rights and privileges thereon, if said poles have not already a full complement of wires, same to be determined by the City Engineer.

§ 35. (10) POLES, ETC.—JOINT OCCUPATION.—And whenever two or more persons, companies or corporations are supplying, or propose to supply, electricity for any purpose whatsoever

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§§ 36—40. Electrical Illumination—Regulations.

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within the same territory, they shall be required to jointly use and occupy the same poles, masts, towers or supports upon the conditions hereinbefore recited; and no wires or electrical conductors of any character or kind shall be maintained in any other manner than that herein provided.

§ 36. (11) POLES—LOCATION, ETC., SUBJECT TO SUPERINTENDENT OF PUBLIC WORKS.—The exact location and the erection of all poles, masts, towers or supports proposed to be erected by any such person, company or corporation shall be subject to the approval of the Superintendent of Public Works, who shall have the right to order and enforce a change of location of any poles, masts, towers or supports.

§ 37. (12) STRINGING WIRE—WHERE POSTS IMPRACTICABLE.—And whenever it may become necessary to string wires or electrical conductors to any point not on the main line, and where it is impracticable to erect and maintain the posts, masts, towers or supports required therein, the same shall be done only upon special permission being granted by the Superintendent of Public Works.

§ 38. (13) ORDINANCE TO SPECIFY PRICE—Any ordinance granting authority to any person, company or corporation to go into operation under the provisions of this general ordinance shall distinctly specify and indicate the maximum price at which electricity is to be supplied to public and private consumers for either lighting or power purposes.

§ 39. (14) INSULATION.—All conducting wires, excepting trolley wires for electric railways, must be covered with a durable weather-proof insulation, embracing not less than two coatings. Permits to string wires will be granted only after the approval of samples submitted to the City Civil Engineer, and no other wires than those thus approved by samples may be strung.

§ 40. (15) INSULATION.—Where wires enter a building, they must be encased in continuous pieces of hard insulating tubing, so inclined as to oppose the entrance of water, and the outer end of this tubing must be sealed with some plastic insulating material in such manner as to exclude all moisture.

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**§§ 41—44. Electrical Illumination—Regulations.**

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**§ 41. (16) WIRES — HOW PLACED — SYSTEM — CONTROL OF SUPERINTENDENT OF PUBLIC WORKS.**—In running along walls, all wires shall be rigidly attached to the same by non-conducting fastenings, and shall not hang from projecting insulators in loose loops; all arc light wires shall be placed not less than one foot, and all incandescent light wires at not less than six inches, apart, and whenever they approach any conducting body capable of furnishing a ground connection, they must be rigidly secured, and separated from the same by some approved non-conductor. The distribution of electricity by the alternating or transformer system shall be under the supervising control of the Superintendent of Public Works, and all companies using said system shall conform strictly to all requirements of said Board.

**§ 42. (17) INSULATION.**—The use of porcelain knobs as insulators on the outside of buildings is prohibited, except in dry places, where an approved special insulation must be used on the wires. Wires must not be so placed as to render it easily possible for water to form a cross connection between them.

**§ 43. (18) INSULATION.**—Wires must be fastened to insulated supports by insulated tie-wires. The use of iron tie-wires is prohibited. All tie-wires must have an insulation equal to that of the conducting wires.

All joints in wires must be secured by making from five to seven turns on each side of cross, or by using an improved metallic sleeve. All joints must be insulated with not less than four layers of durable water-proof tape, and then covered with friction tape, which shall be fastened with a few turns of small insulated copper wire.

**§ 44. (19) WIRES — HOW STRETCHED.**—Wires must be tightly stretched, and never allowed to sag to such an extent as to be capable of coming into swinging contact with each other, with signs or other neighboring objects. The spacing of poles should be so determined as to facilitate the observance of this rule.

Overhead wires, between which there is a difference of potential, must not be less than one foot apart, and must swing clear of foreign contact between their insulated supports. No electric

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**§§ 45—47. Electrical Illumination—Regulations.**

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light or power wires on cross-arms shall be less than one foot distant from the pole or other central support.

Wires over roofs must be at least seven feet above flat roofs at the point of lowest sag, and one foot above the ridge of other roofs. Service wires must run horizontally from street mains to buildings.

**§ 45. (20) GUARD IRONS—GUARD WIRES.**—Where angles occur in a line, subjecting the supports to increased strain, guard irons must be placed at the outer ends of cross-arms. Guard wires must also be placed wherever their presence would prevent telephone, telegraph or other wires from coming into accidental contact with electric light wires. The cost of such guard irons and guard wires shall be borne by the person or company making the last construction.

All guy wires, whether run by telegraph, telephone or electric light companies, must be kept at a distance of not less than six inches from the electric light wires, or otherwise be thoroughly insulated at points of danger or contact with such wires.

**§ 46. (21) WIRES FOR ARC LIGHTING—ARC LAMPS—TESTS FOR GROUND CONNECTIONS—GROUND CONNECTIONS REMEDIED.**—Wires for arc lighting must enter and leave a building through a suitable and approved cut-out switch, which is to be placed on the building or neighboring pole in a position easily accessible to police, firemen and inspector.

Arc lamps must be so placed as to leave a clear space of not less than nine feet between lamp and the sidewalk.

All wires must be so strung as to leave a clear space of not less than twenty feet at the point of lowest sag between the wire and the surface of the sidewalk.

All circuits must be provided with some approved device for declaring or detecting ground connections. Tests for grounds must be made at least three times a day. When a ground connection occurs, it must be found and remedied without delay.

**§ 47. (22) INSULATION STANDARD—WIRES NOT IN USE REMOVED—INSPECTION OF ENGINEER.**—The insulation resistance on all circuits must be maintained at a standard approved by the

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§§ 48—51. Electrical Illumination—Regulations.

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City Civil Engineer, and every facility for testing circuits shall be accorded said Engineer.

Loops, wires and poles no longer in use, and of which there is no immediate prospect of further use, shall be removed.

Immediately after the erection of any wiring or other outdoor construction for electric light or power, the company or person erecting the same shall notify the City Civil Engineer that such work is ready for inspection, and no use shall be made of such wiring or its appurtenances for the purposes aforesaid until approved by him.

§ 48. (23) LINEMAN, ETC., MUST WEAR BADGES.—Every lineman and lampman must wear a badge in plain sight, indicating his number and the company or person by whom he is employed, and in case of fire this badge shall serve as a pass to admit the wearer within the fire lines.

§ 49. (24) FIRE GONG—REMOVAL OF WIRES DURING FIRE.—The Fire Department of the city shall erect in the station of every electric light or power company, at the latter's expense, a suitable gong connecting with the fire lines, by which shall be indicated the location of all fires. On the occurrence of a fire in any district in which any company has wires, such company shall forthwith send a man prepared to remove wires under the direction of the Fire Department.

§ 50. (25) APPROVED DEVICES FOR PROTECTION OF LIFE AND PROPERTY REQUIRED — CITY HELD HARMLESS.—Any and all persons, companies or corporations operating under this ordinance shall be required to adopt the most modern and approved devices for the protection of users of electric light against injury to persons or property, and shall be held responsible for any damages, whether to life or property, which may result from the construction, maintenance or operation of their plant, and shall hold the city harmless from any liability for damage done to life or property.

§ 51. (26) WIRES MAY BE ORDERED UNDERGROUND.—Any person, company or corporation organized or continuing in operation after the passage of this ordinance shall, whenever directed

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§§ 52, 53. Fire Department—Fire Alarm System.

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to do so by the General Council, carry all wires through underground conduits, and shall hold the city harmless in the matter of any claims for damages on account of being required to carry wires underground; and where the light is carried to posts, towers or brackets, shall do so through tubes to within six inches of where the light is exposed.

§ 52. (27) PENALTIES.—A violation of any of the conditions of this ordinance, or refusal on the part of any company or person to make such alterations and repairs in their present or future constructions as may be demanded in conformity with the provisions of this ordinance, shall be deemed a misdemeanor, and, on conviction thereof in the police court of the City of Newport, shall be fined in a sum not less than one nor more than one hundred dollars for each offense.

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## FIRE DEPARTMENT.

An Ordinance for the management, control and protection of the fire alarm telegraph system of the City of Newport, Ky. (Approved December 14, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 53. (1) CONTROL OF IN CHIEF OF FIRE DEPARTMENT.—That the entire control, management and supervision of the fire alarm telegraph system erected in the city, together with all the apparatus, instruments, wires, batteries, boxes and signal stations thereunto belonging, shall be vested in the Chief of the Fire Department, whose duty it shall be at all times to keep the same in all its various parts in good and complete working order. He shall have the custody and control of all the keys belonging to the various signal boxes, which said keys he shall distribute to the proper parties to receive and hold the same, to-wit: To the chief of, and each policeman one, and one to the proprietor of each

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**§§ 54—56. Fire Department—Fire Alarm System.**

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business house nearest where such signal boxes are stationed, and to such other persons as the General Council may designate, taking a receipt therefor from each and every person receiving them; he shall label each key and keep a record of the custodian thereof.

**§ 54. (2) BOX KEY — UNLAWFUL POSSESSION OF — PENALTY.**—If any person shall make, or cause to be made, or shall have in his or her possession, an impression or dispatch \* of any signal box key without the express permission of the said Chief of Fire Department, or any person who shall under the provisions of the preceding section have received any of said keys, and shall refuse to deliver up or return the same when legally requested so to do, said persons so violating any of the provisions of this section shall be fined upon conviction in any sum not less than ten dollars nor more than fifty dollars and costs.

**§ 55. (3) FALSE ALARM — INTERFERENCE WITH SYSTEM — PENALTY.**—Any person who shall knowingly and purposely give, or cause to be given, a false alarm, or who shall in any manner tamper, meddle or interfere with said boxes, wire supporters thereof, or any other part of said fire alarm system, or who shall break, cut, injure, deface, destroy or remove any of the machinery, fixtures or other material belonging to said alarm, or who shall make any connection or communication therewith so as to interrupt or interfere with the proper working of said fire alarm telegraph, shall be fined upon conviction in any sum not less than ten dollars nor more than fifty dollars and costs.

**§ 56. (4) CHIEF OF FIRE DEPARTMENT — POWER AND DUTIES.**—The Chief of the Fire Department shall have power to make such alterations and extensions in the signal and alarm circuits as may become necessary to enable him to secure the most complete and efficient operation at all times of said fire alarm system; *provided, however,* that such alterations and extensions shall be consistent with and adapted to the requirements of said system; and *provided further,* that no obligations or expenditures shall be incurred by virtue hereof without the approval of the

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\* Duplicate.—Ed.

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§§ 57—60. Health, Board of.

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General Council shall have been first had and obtained thereon and therefor; and *provided further*, that all public and private property shall not be interfered with to the damage thereof.

§ 57. (5) REPEALING CLAUSE.—All ordinances in conflict herewith are hereby repealed.

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An Ordinance vesting the members of the Fire Department of the City of Newport, Ky., with police power, and providing for and fixing the amount of bond to be given by the members of said Fire Department.  
(Approved March 21, 1900.)

*Be it ordained by the General Council of Newport, Ky.*

§ 58. (1) FIREMEN VESTED WITH POLICE POWER.—That the members of the Fire Department of the City of Newport, Ky., be, and are hereby, vested with the police powers exercised by the members of the Police Department of the City of Newport, Ky.

§ 59. (2) BOND.—That each member of the Fire Department of the City of Newport, Ky., shall, before beginning the discharge of his duty as such policeman, give bond for the faithful discharge of his said duty to the City of Newport in the sum of \$1,000, with good and approved sureties satisfactory to the Police and Fire Commissioners, and shall take the oath required to be taken by policemen. Said bond shall be taken by said Commissioners, and all bonds shall be preserved as an official record.

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## HEALTH.

An Ordinance to establish a Board of Health for the City of Newport, Ky.  
(Approved October 8, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 60. (1) BOARD OF HEALTH — NUMBER — TERMS — ELECTION — MAYOR *ex-officio* MEMBER — SECRETARY — HEALTH OFFICER *ex-officio* MEMBER.—That there shall be, and is hereby, established a Board of Health for the City of Newport, consisting of six

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§ 61. Health, Board of.

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members, who shall hold their office for three years, and until their successors shall be appointed, and at least three of whom shall be competent physicians; they shall serve without compensation, and be elected by the General Council of the city, as the terms of office of the present members of the local Board of Health, duly appointed and organized under the State law, respectively, expire.\* A majority of the whole number of the Board of Health shall be necessary to constitute a quorum for the transaction of business; they shall meet at some convenient place in said city within ten days after receiving notice of their appointment, and organize, and as often thereafter as they shall deem necessary; the Mayor of said city shall be *ex-officio* member of and president of such Board of Health, but shall vote only in case of a tie; they shall elect from their own body a secretary, who shall keep a journal of their proceedings; and the secretary so appointed shall hold his office for such period of time, and shall perform such duties as the said Board of Health may prescribe; the Health Officer of the city shall be the executive officer of and *ex-officio* member of such Board of Health, but shall have no vote.

§ 61. (2) POWERS — DUTIES.—The Board of Health shall have general charge of the sanitary condition of the city, furnish medical treatment to the poor sick of the city, and they shall have power to adopt, during the prevalence of an epidemic, such regulations for the public health and safety, respecting nuisances, sources of filth and causes of sickness, as may be consistent with the lawful exercise of their power; and such regulations, when ratified by the General Council of the city, by ordinance, shall have the effect of an ordinance. It shall be the duty of the Health Officer to examine into all nuisances, sources of filth and causes of sickness in the city which may come under his observation, or when notified of the same to report the same to the Board of Health; and when declared to be a nuisance by said Board, the same shall be reported to the Mayor or General Council of the city, who shall, according to law, cause the same to be removed.

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\* NOTE.—Pursuant to this, the terms of two members of said Board expire September 16th of every year.

**§§ 62—65. Health, Board of.**

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destroyed or disinfected, at the expense of the person upon whose premises such nuisance, cause of sickness and sources of filth may be found to exist; and the person creating or continuing such nuisances, filth or cause of sickness may be fined under this ordinance not exceeding fifteen dollars, or in accordance with other laws and ordinances of the city.

**§ 62. (3) REPORTS TO COUNCIL — CONTAGIOUS DISEASES REPORTED TO BOARD OF HEALTH — PENALTY.**—The Board of Health shall, from time to time, cause written statements to be made to the General Council of the city as to the cleanliness and health of the city, and suggest such sanitary measures as they may deem important in preventing the introduction and spread of diseases among the inhabitants. And all proprietors of hotels, boarding-houses, coffee-houses, or other places in which contagious diseases are discovered, and physicians attending upon such diseases, are hereby required to notify immediately the Board of Health of the existence of same. And any such person who shall refuse or willfully neglect to furnish the same to the Board of Health shall be subject to a fine of not less than one nor more than ten dollars and costs of conviction thereof in the police court of said city.

**§ 63. (4) CITY OFFICERS TO CARRY OUT ORDERS OF BOARD OF HEALTH — CLEANING OF STREETS, ETC.**—The city officers shall at all times be vigilant in carrying out the orders of the Board of Health. And whenever any of the streets, alleys, lanes, market spaces or commons of the city are in an unclean condition, they shall notify the said General Council to have the same cleaned in the most expeditious manner.

**§ 64. (5) HOG PENS IN CITY LIMITS UNLAWFUL — PENALTY.**— It shall be unlawful for any person or persons to keep any hogs in a pen inside of the city limits; and it shall be the duty of the Health Officer, when notified of the same, to cause the same to be removed. And any person refusing to move any hog pen off his or her premises shall be fined from one to ten dollars and costs on conviction thereof in the police court of said city.

**§ 65. (6) PENALTY.**—Any person violating the regulations made by the Board of Health, and adopted by ordinance of the

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§ 66. Health—Officer.

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General Council of the city, shall forfeit and pay a fine of not less than five or more than twenty dollars and costs of suit, on conviction in the said police court.

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An Ordinance concerning the Health Officer of the City of Newport, Ky.  
(Approved January 4, 1895.)\*

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 66. (1) HEALTH OFFICER — DUTIES --- That the Health Officer appointed by the Board of Health, organized pursuant to the State law, in the City of Newport, shall make inquiry into all nuisances, sources of filth and causes of sickness in the city, and in the name of the Board of Health shall take steps to abate the same. He shall keep and make a weekly report of the work done by the district physician; he shall inquire into all contagious diseases and take necessary steps to prevent the spread of same; he shall keep a record of all births, still births and deaths, and causes of death; he shall issue a permit for burial of the dead; he shall issue a permit to convey dead bodies through or out of the city for burial of same; he shall inspect all markets, both public and private, and report condition of same; he shall inspect all dairies from which milk is sold in the city, and the condition of the milk from same, and make a report of his inspection to the State Board of Health and the General Council. Immediately upon the occurrence of any contagious or infectious disease he shall report same to the State Board of Health, local or city Board of Health, and the General Council, and shall perform such other duties as provided by law.

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\* NOTE.—This ordinance and the one that follows are both given, for, as a matter of fact, the Health Officer is now appointed by the Health Board, and Section 2 of the former was amended subsequently to the passage of the latter. See, also, Kentucky Statutes, §§ 2059 and 3058, Sub-section 1.

**§§ 67—69. Health—Officer.**

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§ 67. (2) **SALARY.**—The Health Officer shall receive as compensation the sum of sixty dollars per month. (*Section as amended by ordinance of September 23, 1896.*)

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An Ordinance creating the office of Health Officer of the City of Newport, and further prescribing the manner and the time of his appointment, the duration of his term of office, his duties, and the amount of his compensation. (Approved September 19, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 68. (1) **HEALTH OFFICER — OFFICE CREATED — ELECTION — TERM.**—That the office of Health Officer for the City of Newport be, and the same is hereby created. Said Health Officer shall be elected by the General Council of said city in joint session, on the third Saturday of September in alternate years, and hold his office for the term of two years thereafter, subject to removal at any time by said General Council.

§ 69. (2) **DUTIES.**—That said Health Officer shall make inquiry into all nuisances, sources of filth and causes of sickness in the city, and in the name of the Board of Health shall take steps to abate the same. He shall keep and make a weekly report of the work done by the district physicians; he shall inquire into all contagious diseases and take necessary steps to prevent the spread of same; he shall keep a record of all births, still births and deaths, and causes of death; he shall issue a permit for the burial of the dead; he shall issue a permit to convey dead bodies through or out of the city for burial of same; he shall inspect all markets, both public and private, and report condition of same; he shall inspect all dairies from which milk is sold in the city, and the condition of milk from same, and make a report of his inspection to the State Board of Health and the General Council. Immediately upon the occurrence of any contagious or infectious disease, he shall report same to the State Board of Health, local

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§§ 70—73. Health—Infection Hospital.

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or City Board of Health, and the General Council, and shall perform such other duties as provided by law.

§ 70. (3) SALARY.—That the Health Officer shall receive as compensation for his services the sum of sixty dollars per month.

§ 71. (4) REPEALING CLAUSE.—That all ordinances and parts of ordinances conflicting herewith be, and the same are hereby repealed, and this ordinance shall take effect and be in force from and after its passage.

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An Ordinance establishing temporary infection hospital, and empowering the Board of Health of the City of Newport to remove thereto persons affected with infectious or contagious diseases. (Approved December 20, 1901.)

*Be it ordained by the General Council of Newport, Ky.*

§ 72. (1) COUNTY INFIRMARY AS INFECTION HOSPITAL.—That whereas the County of Campbell has consented thereto, the County Infirmary, situated about five miles south of Newport, be, and the same is hereby established as a temporary infection hospital.

§ 73. (2) REMOVAL OF PATIENTS TO — INTERFERENCE WITH REMOVAL — PENALTY.—Whenever smallpox, yellow fever or other contagious or infectious diseases shall exist in the City of Newport, the Board of Health of said city, or any three members thereof, or the Health Officer, may cause any person afflicted with such disease to be removed to the infection hospital, as they may deem it necessary as a sanitary measure. If the physician attending the diseased person shall certify in writing that the life of such person would be in danger by such removal, or that he or she has good and careful attention, and that his or her removal would not be advisable as a sanitary measure, then such removal shall or shall not be made, in the discretion of the Board. Any person or persons who shall prevent, or attempt to prevent, or shall inter-

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**§§ 74—77. Health—Midwifery.**

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fere in any way with said removal of said persons, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and fined in any sum not exceeding one hundred dollars.

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An Ordinance to regulate the practice of midwifery in the City of Newport, Ky. (Approved March 16, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 74. (1) MIDWIVES — REGISTRATION OF.**—That all persons practicing midwifery within the City of Newport shall, within twenty days after the passage of this ordinance, register their names, ages and residences, the years practicing, and by whom and when instructed, and make affidavit thereto and exhibit proofs of their said instruction with the Health Officer of the City of Newport.

**§ 75. (2) REGISTRY OF BIRTH — FORM.**—That each and every person acting in the capacity of midwife shall keep a register of all births at which they have attended, showing the time and place of birth, name of the father and maiden name of the mother, and their residence, sex and color of the child, together with its name, if it receive one, and whether said child was born alive or stillborn.

**§ 76. (3) REPORTS TO HEALTH OFFICER.**—That each and every person practicing midwifery within the City of Newport shall make to the Health Officer, on the first day of each month, a report of all births at which they have attended during the previous month, giving the time, place of birth, name of the father and maiden name of the mother, and their residence, sex and color of the child, together with the name of the child, if it receive one, and whether said child was born alive or dead.

**§ 77. (4) QUALIFICATIONS.**—That no person shall be deemed qualified to practice midwifery except registered physicians and registered midwives.

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§§ 78—80. Health—Removal of Ashes, etc.

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§ 78. (5) PENALTY.—Any person violating any of the provisions of this ordinance shall, on conviction in the police court, be fined not less than five nor more than twenty dollars and costs of prosecution.

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An Ordinance regulating the removal of ashes, rubbish, garbage, dead animals and other refuse matter. (Approved November 27,<sup>\*</sup> 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 79. (1) ASHES, ETC.—REMOVAL OF.—That it shall be unlawful for any person or persons to throw, or place, or suffer to drain upon any street, alley or other public place or vacant lot in the city, any ashes, rubbish, slops, garbage, offal or animal or vegetable refuse; but said slops, garbage, offal and refuse shall be placed free from said ashes and rubbish in suitable vessels, secure from leakage, upon the sidewalk or other place convenient and accessible to the persons who are to remove the same, to-wit: the garbage contractor; and the ashes and rubbish shall be disposed of in the same way, but in different receptacles, such as boxes or barrels; nothing herein, however, being intended, nor shall the same be construed, so as to restrain or effect the right of any person or persons to dispose of their ashes, slops, garbage, etc., by private contract or other arrangement, provided same shall be done in such a manner as shall not become a nuisance.

§ 80. (2) REMOVAL OF.—All ashes, garbage, rubbish, dead animals and other refuse matter shall be removed by the person or persons or company having the contract therefor with the city, and same shall be removed in such manner as shall cause the least inconvenience to the citizens, and shall be collected at least three times per week in the warm months, and twice per week in the remainder of the year, and shall be removed in wagons suitable for the purpose. The aforesaid contractor shall keep a person at a convenient place in the city during business hours, to whom notice can be given in case of failure to remove said ashes, garbage, etc., and if said contractor shall fail or refuse to remove

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§§ 81—84. Health—Public Dumps.

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same according to his contract and this ordinance within ten hours from notification, said refusal or failure shall be held a breach of the provisions thereof and hereof.

§ 81. (3) PENALTY.—Any person violating the provisions of this ordinance shall be fined not exceeding ten dollars and costs of prosecution.

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An Ordinance establishing and designating certain places in the City of Newport, Ky., for the dumping and deposit of dirt and rubbish.  
(Approved December 5, 1894.)

*Be it ordained by the General Council of Newport, Ky.*

§ 82. (1) PUBLIC DUMPS DESIGNATED.—That the following named places within the corporate limits of said city be, and are hereby established and designated as public dumping places for dirt and rubbish, to-wit: For the First and Third Wards of said city, the south side of First street, opposite the old chemical works' lot, and the head of Third street; for the Second and Fourth Wards, the Garrison lot at the foot of Third street, and the gully west of Isabella and north of Southgate streets; for the Fifth Ward, at the head of Ninth street; for the Sixth and Seventh Wards, Twelfth street, between Central avenue and Lowell street, Phillips alley, Hunt alley, and Hogan alley west of Brighton street.

§ 83. (2) PERMIT — SUPERVISION OF SUPERINTENDENT OF PUBLIC WORKS.—No person shall dump at any of said designated places without having first obtained a permit so to do from the Superintendent of Public Works, and no person shall dump in any other place than those above designated, and all of said places and the dumping thereon and therat shall be under the supervision of the said Superintendent.

§ 84. (3) PENALTY.—Any person who shall in any wise violate this ordinance by dumping dirt or rubbish at any other than the designated places herein, or shall dump without having

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§§ 85—88. Health—Privy Vaults.

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obtained a permit so to do, or shall dump or deposit said dirt or rubbish against the orders of the said Superintendent in such a manner as said dumping place shall be injured or rendered unfit for dumping, or shall dump any filth or garbage at any of said places, shall on conviction be fined in any sum not less than five dollars nor more than fifteen dollars and costs of prosecution.

§ 85. (4) REPEALING CLAUSE.—All ordinances in conflict herewith are hereby repealed.

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An Ordinance to provide for and regulate the cleaning of privy vaults in the City of Newport, Ky. (Approved August 10, 1898.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 86. (1) PRIVY VAULTS — CONTENTS, REMOVAL OF — PERMIT.—That hereafter it shall be unlawful for any person to own, use or allow upon his, her or their premises any privy vault the contents whereof shall be within two feet of the surface, or become a nuisance, and it shall likewise be unlawful for any person to remove said contents without first having obtained a written permit from the Sanitary Officer of the City of Newport so to do.

§ 87. (2) CLEANED — HOW AND WHEN.—That all privy vaults when cleaned must be cleaned to a depth of seven feet, and the removal of the contents of said privy vault shall be made in the night season between the hours of 11 o'clock P. M. and 4 o'clock A. M., and in inclosed wagons, carts or boxes, and in such a manner as to prevent smell, offense and inconvenience to the public, and shall be deposited in such place as hereinafter designated. (*Section as amended by ordinance of August 29, 1898.*)

§ 88. (3) NIGHT SOIL — HOW AND WHERE DEPOSITED.—That it shall be unlawful for any person to dump or deposit any night soil, contents of any privy vaults or other unhealthy and offensive matter from carts, wagons or boxes, or in any other way, in the City of Newport, except into the Licking river and

**§§ 89—91. Health—Privy Vaults.**

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below the foot of Fifth street, and dumped or deposited in such a manner from a boat or float so placed that the said matter shall fall into said river not less than thirty (30) feet from the water's edge.

§ 89. (4) **PRIVY VAULTS — EXAMINATION OF.**—It shall be the duty of the Sanitary Officer of the city to diligently examine the privy vaults of the city, and where he finds that same should be cleaned, he shall give written notice to the owner, user or occupant of the property upon which such vault is located, or any other proper person that is in charge of or has control over it, to clean same within three days from the time of said notice, and in the event any of the above-named persons so notified neglecting or refusing to comply with such notice, shall be subject to the penalties of this ordinance.

§ 90. (5) **PERMIT — ISSUAL — FORM.**—The permit herein required shall give the name or names of the person or persons to whom issued, the location of the vault or vaults to be cleaned, and the night or nights the work thereunder is to be done, and such work shall be done at no other time or place than said permit authorizes. Said permit is not assignable. Said permit, while working thereunder, shall be so kept that it shall at all times be subject to the inspection of the police of the city.

§ 91. (6) **BOAT OR FLOAT USED FOR DUMPING — PERSON IN CHARGE OF — DUTY.**—That it shall be the duty of the person keeping and in charge of a boat or float for the purpose of having same used for the dumping of night soil or other offensive and unhealthy matter, to keep said boat or float in good condition for said purpose at all times, and to file with the Sanitary Officer on Monday of each week a written report of all persons using said boat or float for the purposes aforesaid, giving the names and time said work was done. *It is further provided,* that said keeper or person in charge of said boat or float shall have the right to charge a fee not to exceed fifty cents per load from the vault cleaner, and in case said fee is not paid, the Mayor is hereby empowered to revoke said vault cleaner's license to do business as such at once.

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§§ 92—96. Health—Regulations.

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§ 92. (7) PENALTY.—Any person who shall, without the permit herein required, remove such contents of privy vaults, etc., or who shall spill any of same along the streets, avenues and public ways of the city by reason of improper and insecure carts, wagons or boxes for the conveyance of same, or shall deposit any part or the whole of such contents in any other than the place herein designated, or who shall in any other manner violate the provisions of this ordinance, shall be subject to a fine in the police court of not less than ten (\$10) dollars nor more than one hundred (\$100) dollars and costs of prosecution.

§ 93. (8) SANITARY OFFICER — DUTY.—It shall be the duty of the Sanitary Officer to make a monthly report to the General Council of the city, giving the names of the persons to whom notice has been given as herein required, the general progress of and the condition of his work under the provisions of this ordinance.

§ 94. (9) REPEALING CLAUSE.—This ordinance shall take effect and be in force from and after its passage and approval, and all ordinances, and parts of ordinances, in conflict herewith are hereby repealed.

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An Ordinance to regulate the sanitary affairs of the City of Newport, Ky., and prescribing rules therefor, and penalties for violation of same, and repealing all ordinances and parts of ordinances inconsistent herewith.  
(Approved March 16, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 95. (1) DAIRY — WHAT CONSTITUTES.—That when one or more cows shall be kept for the purpose of supplying customers with milk, cream, skimmed milk or buttermilk, the owners of such cow or cows shall be considered as carrying on a dairy.

§ 96. (2) DAIRY — LOCATION — COWS — HOW KEPT.—That no dairy shall be located within the city limits, and the cows of each and every dairy shall have access to a plentiful supply of

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**§§ 97—101. Health—Regulations.**

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clean water and pasturage, and shall be at liberty in the open air, from three to ten hours daily.

**§ 97. (3) Cows—HOW KEPT.**—That all cows kept for dairy purposes shall be carefully housed at night and in inclement weather, and shall not be crowded in their stall room. They shall have sufficient ventilation, and the udder of each cow shall be carefully cleansed of all manure and filth before milking.

**§ 98. (4) UNHEALTHY COWS.**—No sick or unhealthy cow, nor one having a chronic cough, fever, lumpy jaw, caked udder, sore teats, or which is in any manner out of condition, shall be permitted to remain with healthy cows, but shall be immediately separated from the rest of the herd; neither shall the milk of such sick or diseased cows be placed with that of the sound animals, nor be offered for sale.

**§ 99. (5) SICKNESS—MUST BE REPORTED.** All cases of sickness among the cattle of a dairy shall be reported to the Health Officer within twenty-four hours. It shall then be his duty to immediately visit such dairy, and make a thorough inspection, and examine into the sickness and its origin.

**§ 100. (6) MILK—PERMIT TO SELL.**—That it shall be unlawful for any person or persons to sell, deliver or offer for sale, milk, cream, skimmed milk or buttermilk, without a permit from the Board of Health, such permit to be furnished gratuitously to the applicant on January 1st of each year, on condition that all the laws and regulations concerning dairies, milk and milk dealers be strictly complied with; and such permit may be revoked at any time by the Board of Health for violation of any section of this ordinance. This permit shall not, however, be construed as a license to sell milk as provided for in the ordinance requiring all persons dealing in milk to have a license therefor.

**§ 101. (7) MILK—LEGAL STANDARD.**—The legal standard of milk shall be:

Per cent. of water not over.....	.87.50 per cent.
Fats not less than.....	3.125      "
Per cent. of solids other than fats, not less than.....	9.375      "

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**§§ 102—106. Health—Regulations.**

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All milk which is found upon analysis to contain more than 87½ per cent. of watery fluid or less than 12½ per cent. of solids, shall be deemed adulterated, and a cause of prosecution.

**§ 102. (8) IMPURE MILK — SALE OR FORBIDDEN.**—That whosoever shall sell, cause to be sold, offer for exchange, deliver, or have in his possession with intent to sell, milk not in conformity with the legal standard as specified in Section 7, or who ever shall sell or offer for sale any milk the product of a diseased or unhealthy animal, shall be subject to the penalties prescribed by this ordinance.

**§ 103. (9) SKIMMED MILK — HOW SOLD.**—That it shall be unlawful for any person or persons to bring to the city for sale, exchange, or offer for sale, or have in his possession with intent to sell, milk commonly known as skimmed milk, unless in a conspicuous place above the center, and upon the outside of every vessel or package from which such milk is sold, the words "skimmed milk" are distinctly marked in black letters of bold type not less than two inches in length.

**§ 104. (10) DAIRIES, ETC. — INSPECTION OF.**—That all dairies, including the cows, milk houses and milk utensils, the owner of which sells or offers for sale within the city limits, milk, cream, skimmed milk or buttermilk, shall be subject to inspection by the Health Officers, who are hereby authorized to enter any place where milk is sold or kept for sale, or any conveyance used in the delivery of milk found therein, and take sample from such milk, cream, skimmed milk or buttermilk for the purpose of examination or analysis.

**§ 105. (11) SELLING FROM MILK WAGON — REGULATIONS.**—That every person offering for sale from a milk wagon, milk, cream, skimmed milk or buttermilk, shall be required to have painted plainly and legibly in a conspicuous place on said wagon the name in full of the owner thereof, the exact location of the dairy, and the number of his permit.

**§ 106. (12) SLAUGHTERING OF ANIMALS — REGULATIONS.**—That it shall be unlawful for any person or persons to slaughter

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§§ 107—109.—Health—Regulations.

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within the city limits any beef, calf, sheep, hog, or any other animal which is to be used as an article of food, except calves and sheep, which may be killed in cellars which have cemented floors with sewer connections, and said animals shall not be slaughtered, dressed or hung, or the meat thereof, wholly or partly, within any street, avenue or sidewalk, public alley or place; nor in any place or position that said killing (or bodies or parts of such animals, when hung, and before they have ceased to bleed) shall be in view of any such street, avenue or alley, or of the persons who may be therein; nor shall any blood or dirty water or other substance from such animals, meat or place of killing, or the appurtenances thereof, be allowed to run, fall or be in any street, avenue, sidewalk, alley or place; nor shall any bones, intestines or other parts of said animals, except the blood, be allowed to pass into the sewer, and said cellars shall be kept clean and sweet. (*Section as amended by ordinance of October 22, 1900.*)

§ 107. (13) SLAUGHTERING OF ANIMALS—UNWHOLESMOMEAT.—That it shall be unlawful for any person or persons to kill a cow, heifer, sheep, hog, or any other animal which is to be used as an article of food, while pregnant or in an overheated and feverish condition; nor shall the meat of any such animal be sold or offered for sale as an article of food within the City of Newport. Furthermore, no one shall sell or offer for sale meat which is the product of a diseased animal, or meat which is putrid, blown or unwholesome.

§ 108. (14) HEALTH OFFICER—POWER TO DESTROY UNWHOLESMOMEAT, ETC.—That the Health Officer shall have the power at all times, and at any place in the city, to at once seize and cause the destruction of all meat, fish, game, fruit, vegetables, etc., offered or exposed for sale within the city limits, which are in a state of decay, or in any way unwholesome as articles of food.

§ 109. (15) CORPSE—REGULATIONS CONCERNING.—That it shall be unlawful to convey a corpse in any manner within, through or out of the city limits without a permit from the Board of Health; and that it shall be unlawful to bury any corpse within the corporate limits of the City of Newport, and shall be unlawful

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**§§ 110—113. Health—Regulations.**

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to convey an infected corpse to a place of burial in any other vehicle than a hearse; nor shall such infected body be carried into any church, hall or public place.

**§ 110. (16) DEATH FROM CONTAGIOUS DISEASES — REGULATIONS CONCERNING BODY.**—That in all cases of death from smallpox, scarlet fever, diphtheria, croup or cholera or from any other contagious or infectious disease, the body shall be wrapped in a sheet, which has been saturated with a solution of corrosive sublimate (one ounce to a gallon of water), and placed in a coffin as soon as possible, which shall not be opened, and shall thus be buried, without any public demonstration.

**§ 111. (17) DEAD BODY — SHIPPING OF IN CERTAIN CASE FORBIDDEN.**—That the shipping of bodies of persons who have died from smallpox, cholera or yellow fever is absolutely forbidden.

**§ 112. (18) DEAD BODIES — SHIPMENT OF.**—That the bodies of persons who have died from scarlet fever, diphtheria, measles and typhoid fever, must be prepared before shipment, as stated in Section 16, and placed in a coffin, which must be inclosed in a tight wooden box, the coffin being surrounded by sawdust, saturated with a solution of corrosive sublimate of the strength given in Section 16. No articles which have been exposed to the contagion can accompany the body.

**§ 113. (19) DEAD BODIES — SHIPMENT OF.**—That every dead body received for transportation in this city must be accompanied by a certificate of death from the attending physician or Health Officer, and a certificate from the shipping undertaker, that the body has been prepared for shipment in accordance with the rules and regulations of the State Board of Health of Kentucky. If the body has been received for shipment into this city from some other State or country, it must be accompanied by a physician's certificate of death and a certificate from the shipping undertaker that the body has been prepared for shipment in accordance with the rules and regulations of the health authorities of such State or country.

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§§ 114—117. Library, Public—Appropriation.

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§ 114. (20) VACCINATION.—That no child shall be permitted to attend any public, private or parochial school without presenting satisfactory evidence of having been successfully vaccinated, and when smallpox is prevalent in said City of Newport, all persons over twenty-one (21) years of age, who have not been successfully vaccinated for seven (7) years prior thereto, shall be required so to do upon the order of the Board of Health.

§ 115. (21) PENALTIES.—That any person or persons violating any of the provisions of this ordinance shall, upon conviction in the police court, be fined not less than twenty-five nor more than two hundred dollars and costs of prosecution, and if said fine and costs are not paid they shall be worked out by the person convicted in the city jail or workhouse of said city. (*Section as amended by ordinance of October 31, 1895.*)

§ 116. (22) REPEALING CLAUSE.—That all ordinances and parts of ordinances, so far as the same are in conflict herewith, be and the same are hereby repealed.

[For District Physicians, etc., see subject, "Poor," page 282.]

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LIBRARY, PUBLIC.

Resolution. (Approved November 28, 1899.)

WHEREAS, Andrew Carnegie, of New York City, has generously tendered to the City of Newport the sum of \$20,000.00 for the purpose of erecting a public library in our city, upon condition that we furnish a suitable site whereon to build the same; and that the city appropriate the sum of \$2,000.00 annually for the support thereof; now, therefore,

*Be it resolved by the General Council of the City of Newport, Ky.*

§ 117. (1) CARNEGIE GIFT ACCEPTED — APPROPRIATION FOR LIBRARY.—That the City of Newport hereby accepts with profound gratitude his generous offer, and that beginning with the

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§§ 118—120. Library, Public—Appropriation.

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year 1900 there be, and now is, appropriated the sum of \$2,000.00 per annum, to be paid to the Trustees of the Public Library, for the use and maintenance thereof by the City of Newport.

§ 118. (2) RESOLUTIONS CERTIFIED.—That a certified copy of these resolutions be delivered to the President of the Board of Trustees of the Public Library, to be forwarded to Andrew Carnegie as expressive of our appreciation and gratitude for his generosity in our behalf.

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Joint Resolution. (Approved February 11, 1902.)

WHEREAS, Andrew Carnegie, Esq., of New York City, has generously tendered to the City of Newport an additional \$6,500.00 for the purpose of furnishing, etc., in a suitable style the library building erected with his former donation of \$20,000.00, conditionally that the City of Newport increase its yearly appropriations for the support of said library from \$2,000.00 to \$2,650.00; now, therefore,

*Be it resolved by the General Council of the City of Newport, Ky.*

§ 119. (1) ADDITIONAL APPROPRIATION — LIBRARY.—That beginning with the present year 1902 there be and now is, appropriated the sum of \$650.00 per annum in addition to the \$2,000.00 appropriated in resolution of the General Council, approved November 28, 1899, so that the yearly appropriation for the support and maintenance of the public library be, and the same is now, established in the sum of \$2,650.00 per annum; payable to the Trustees of the Public Library of the City of Newport, Ky.

§ 120. (2) That a certified copy of the resolution be furnished to aforesaid Trustees for transmission to Mr. Andrew Carnegie, with the expression of the appreciation of this body for his generosity in behalf of our city.

**§§ 121—123. Licenses—Business.**

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**LICENSES.**

An Ordinance requiring persons, corporations or companies carrying on occupations, business and practicing their professions in the City of Newport, Ky., to take out a tax license therefor, and prescribing a penalty for a failure of such persons, corporations or companies so to do.  
(Approved April 30, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 121. (1) LICENSE OF VARIOUS TRADES, ETC.—That no person, corporation or company shall carry on any trade, business or profession, as hereinafter mentioned, in the City of Newport without having obtained a license therefor as herein required.

§ 122. (2) PENALTY.—That any such person, corporation or company who shall fail to take out a license as hereafter required, or any person who shall begin or continue to act under the employment or control of any person, corporation or company carrying on a trade, business or profession in the City of Newport, after such person, corporation or company has failed to obtain the said license therefor, shall, on conviction thereof in the city police court, be fined in any sum not less than three (\$3.00) dollars nor more than one hundred (\$100) dollars and costs of prosecution, and in default of payment thereof shall be confined in the city work-house or jail, and work the same out at the rate of fifty (50) cents per day; or any person, company or corporation doing business or pursuing any occupation or profession, without a license as herein required, can be proceeded against for the collection of said license fee by action in the Circuit Court or any court of competent jurisdiction in the county of Campbell.  
(*Section as amended by ordinance of April 27, 1897.*)

§ 123. (3) LICENSE — NOT ASSIGNABLE.—No license shall be assignable or authorize any other person, corporation or company than that therein named, to do business thereunder. Every such license shall specify by name the person, corporation or company, and kind of business, occupation or profession therein authorized.

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§§ 124—128. Licenses—Business.

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§ 124. (4) LICENSE—EXHIBITION OF.—Every person, corporation or company procuring such license shall exhibit it while in force in some conspicuous place in the house wherein same carries on the business, or if a person be doing business on foot, such person shall have said license with him or her, or in case of peddlers or hucksters, or other persons doing business with vehicles, by a tag or tags placed in a conspicuous place upon said vehicle.

§ 125. (5) LICENSE—DATE—PAYMENT.—The licenses herein authorized and required shall date from May 1st of each year, and shall be for one year; *provided*, persons, corporations or companies beginning a business, occupation or profession at any time after the first day of May shall pay for a proportionate part of the license for the fractional part of the year until the next succeeding May 1st, but same shall not be less than one (\$1.00) dollar.

§ 126. (6) REVOCATION.—Upon a violation of any of the provisions of this ordinance by a person, corporation or company holding a license, the Mayor is authorized to revoke the license of said person, corporation or company.

§ 127. (7) CONVICTION—NOT EXEMPT FROM PAYMENT.—Conviction for doing a business, pursuing an occupation or profession without a license therefor, as herein required, shall not exempt from the payment of the license tax.

§ 128. (8) LICENSES—AMOUNTS.—The several amounts to be paid by persons, corporations or companies as license fees for doing business, pursuing an occupation, and practicing a profession, as herein provided, shall be as follows, to-wit:

Sub-section 1. REAL ESTATE AGENT, ETC.—For doing business as a real estate agent, rental agent, financial agent or broker and auctioneer in the City of Newport, the sum of fifteen (\$15.00) dollars per annum.

Sub-section 2. BREADSTUFFS.—(*Stricken out by amendment by ordinance of July 31, 1901.*)

Sub-section 3. LIQUORS—WHOLESALE.—For doing busi-

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§ 128. Licenses—Business.

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ness as wholesalers of spirituous, vinous or malt liquors in the City of Newport, the sum of one hundred (\$100) dollars per annum.

Sub-section 4. LIQUORS—NOT TO BE DRUNK ON PREMISES.—For doing business of selling spirituous, vinous or malt liquors in quantities of a quart or less, not to be drunk on the premises in the City of Newport, the sum of one hundred (\$100) dollars per annum.

Sub-section 5. PROMOTERS OF CONCERTS.—Promoters of concerts, the sum of three (\$3) dollars for each performance where an admission fee is charged.

Sub-section 6. PHOTOGRAPHERS' AGENTS — Photographers' agents or solicitors doing business in the City of Newport, the sum of ten (\$10) dollars per annum.

Sub-section 7. RUNNERS.—For doing business as runner in the City of Newport, the sum of five (\$5) dollars per annum.

Sub-section 8. PUBLIC SHOWS.—For giving public shows, where an admission fee is charged, the sum of three (\$3) dollars for each show, except where the entire receipts are for the benefit of some church or school or other charitable purpose.

Sub-section 9. COMMISSION MERCHANT.—For doing business as commission merchant in the City of Newport, the sum of five (\$5) dollars per annum.

Sub-section 10. LIGHTNING ROD AGENT.—For doing business as a lightning rod agent in the City of Newport, the sum of twenty-five (\$25) dollars per annum.

Sub-section 11. CLAIM AGENT.—For doing business as a claim agent, the sum of ten (\$10) dollars per annum.

Sub-section 12. SEWING MACHINE AGENT.—For doing business as a sewing machine agent or solicitor, the sum of fifteen (\$15) dollars per annum.

Sub-section 13. NURSERIES' SOLICITOR.—For doing business as a solicitor for nurseries in the City of Newport, the sum of ten (\$10) dollars per annum.

Sub-section 14. BREWERS' AGENTS.—For brewers' agents doing business in the City of Newport, the sum of one hundred

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§ 128. Licenses—Business.

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(\$100) dollars per annum, and any brewing company or brewing corporation doing business in said city, the sum of one hundred (\$100) dollars per annum, the said company or corporation not being represented by any agent in said city.

Sub-section 15. ADVERTISING AGENTS.—For doing business as advertising agents in the City of Newport, the sum of five (\$5) dollars per annum.

Sub-section 16. LOAN, ETC., COMPANIES — For loan and brokerage companies doing business in the City of Newport, the sum of twenty-five (\$25) dollars per annum.

Sub-section 17. BROKER.—For doing business as a merchandise broker in the City of Newport, the sum of ten (\$10) dollars per annum.

Sub-section 18. RAILROAD TICKET BROKER.—For doing business as a railroad ticket broker in the City of Newport, the sum of ten (\$10) dollars per annum.

Sub-section 19. LUMBER BROKER.—For doing business as a lumber broker in the City of Newport, the sum of ten (\$10) dollars per annum.

Sub-section 20. BILL POSTING AND LITHOGRAPHING — DISTRIBUTION BY SAMPLES — BILL DISTRIBUTING — SIGN WRITING.—For the business of bill posting and lithographing, seventy (\$70) dollars per annum; for the business of the distributing of any circular, hand-bill, pamphlet, or any article or commodity by sample, thirty-five (\$35) dollars per annum, or in lieu thereof a daily license of three (\$3) dollars per person so engaged; for the business of sign writing or sign advertising, the sum of twenty (\$20) dollars per annum, or in lieu thereof a daily license of three (\$3) dollars per person so engaged. (*Sub-section as amended by ordinance of September 8, 1905, amending an amendment by ordinance of April 22, 1904; the original section was amended by ordinance of January 30, 1898.*)

Sub-section 21. JUNK DEALER.—For doing business as a junk dealer in the City of Newport, the sum of fifteen (\$15) dollars per annum.

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§ 128. Licenses—Business.

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Sub-section 22. SECOND-HAND DEALER.—For doing business as a second-hand dealer in the City of Newport, the sum of ten (\$10) dollars per annum.

Sub-section 23. ICE DEALER.—For doing business as an ice dealer in the City of Newport, the sum of twenty (\$20) dollars per annum.

Sub-section 24. GRAIN ELEVATOR.—For doing business as the proprietor of a grain elevator in the City of Newport, the sum of twenty-five (\$25) dollars per annum.

Sub-section 25. CYCLORAMA.—For giving cyclorama shows when an admission fee is charged, the sum of three (\$3) dollars per day.

Sub-section 26. PANORAMA.—For giving panorama shows where an admission fee is charged, the sum of three (\$3) dollars for each day, except where the entire receipts are for some charitable purpose.

Sub-section 27. SKATING RINK.—For keeping skating rink, the sum of fifty (\$50) dollars per annum.

Sub-section 28. STORAGE HOUSES.—For doing business as keepers or proprietors of storage and transfer houses, the sum of ten (\$10) dollars per annum.

Sub-section 29. NURSERYMAN.—For doing business as nurseryman, the sum of three (\$3) dollars per annum.

Sub-section 30. PEDESTRIAN EXHIBITIONS.—For giving pedestrian exhibitions, the sum of three (\$3) dollars per annum.

Sub-section 31. WRESTLING EXHIBITIONS.—For giving wrestling exhibitions, the sum of fifty (\$50) dollars for each exhibition or entertainment.

Sub-section 32. DETECTIVE AGENCY.—For doing business as a private detective agency, the sum of ten (\$10) dollars per annum.

Sub-section 33. HORSE AND CATTLE DEALER.—For doing business as a horse and cattle dealer, the sum of ten (\$10) dollars per annum.

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§ 128. Licenses—Business.

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Sub-section 34. PATENT RIGHT DEALER.—For doing business as a patent right dealer, the sum of ten (\$10) dollars per annum.

Sub-section 35. LAUNDRYMAN.—For doing business as laundryman in the City of Newport, the sum of ten (\$10) dollars per annum.

Sub-section 36. LAUNDRY AGENT.—For doing business as a laundry agent of a laundry not situated in the City of Newport, the sum of ten (\$10) dollars per annum; *provided, however,* but one agent shall be required to pay for each company represented in the city.

Sub-section 37. INSURANCE.—That all insurance companies doing business themselves or by their agents in the City of Newport shall pay as an annual license two and a half per cent. into the city treasury on all premiums or policies that may be issued by any such company or its agents; the number and amount of said premiums shall be ascertained, verified and determined on the sworn statement of the agent or proper representative of such company, by the City Clerk of the city. Said sworn statement shall be rendered to the said Clerk on the first Monday of May in each year, and shall contain a true and correct account of all premiums received by each and every company, or its agencies thereof, during the preceding year. Such statement shall be the basis for a calculation of the license tax to be paid for the year following. (*Sub-section as amended by ordinance of April 27, 1897.*)

Sub-section 38. INSURANCE BROKER.—For doing business as an insurance broker or as an insurance solicitor in the City of Newport, the sum of twenty-five (\$25) dollars per annum. (*Sub-section as amended by ordinance of April 27, 1897.*)

Sub-section 39. BANKING.—All banking and other corporations doing business in the City of Newport shall pay a license of one hundred (\$100) dollars per annum.

Sub-section 40. TELEGRAPH.—Each telegraph company doing business in the City of Newport, the sum of fifteen (\$15) dollars per annum.

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§ 128. Licenses—Business.

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Sub-section 41. TELEPHONE.—Each telephone company doing business in the City of Newport, the sum of two hundred and fifty (\$250) dollars per annum. (*Sub-section as amended by ordinance of April 22, 1904.*)

Sub-section 42. MESSENGER.—Each district messenger company doing business in the City of Newport, the sum of five (\$5) dollars per annum.

Sub-section 43. LENDERS OF MONEY ON CHATTEL MORTGAGES.—For doing business as lenders of money on chattels or chattel mortgages, the sum of three hundred (\$300) dollars per annum. (*Sub-section as amended by ordinance of April 22, 1904.*)

Sub-section 44. HUCKSTER.—For doing business as a huckster in the City of Newport, the sum of ten (\$10) dollars per annum where said business is pursued on foot, and twenty (\$20) dollars per annum when said business is carried on with a wagon; *provided, however,* that when the same is carried on with a wagon, the license shall entitle the holder to use but one wagon, and but two persons shall accompany said wagon. *For each additional wagon add \$10.*

Sub-section 45. PEDDLER.—For doing business as a peddler in the City of Newport, the sum of ten (\$10) dollars per annum where said business is carried on foot, and twenty (\$20) dollars per annum when the same is carried on with a wagon; *provided, however,* that when the same is carried on with a wagon, the license shall entitle the holder to the use of but one wagon, and but two persons shall accompany each wagon.

Sub-section 46. AUCTION HOUSE.—For doing business of keeping an auction house, the sum of twenty-five (\$25) dollars per annum.

Sub-section 47. PAWN-BROKER.—For doing business as a pawn-broker in the City of Newport, the sum of twenty-five (\$25) dollars per annum.

Sub-section 48. MASQUERADE BALL.—For each masquerade ball other than a party in a private residence, the license shall be seventy-five (\$75) dollars.

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§ 128. Licenses—Business.

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Sub-section 49. FORTUNE TELLING.—For practicing fortune telling, the sum of one hundred (\$100) dollars per annum.

Sub-section 50. CLAIRVOYANT.—For practicing as a clairvoyant in the City of Newport, the sum of one hundred (\$100) dollars per annum.

Sub-section 51. ITINERANT DOCTOR.—For practicing as an itinerant doctor or doctress, the sum of one hundred (\$100) dollars per annum.

Sub-section 52. BILLIARDS, POOL, ETC.—For billiards, pool, or other tables or instruments used for public amusements, the sum of ten (\$10) dollars per annum each.

Sub-section 53. CIRCUS.—For circus performances, the sum of fifty (\$50) dollars per day.

Sub-section 54. OPERATIC, ETC.—For operatic, theatrical or other exhibitions not specifically mentioned, the sum of five (\$5) dollars for each performance.

Sub-section 55. BOWLING ALLEYS.—For keeping one pin or bowling alley, the sum of twenty-five (\$25) dollars per annum; for two, the sum of thirty-five (\$35) dollars per annum; and when more than two alleys are kept, five (\$5) dollars for each additional one. (*Sub-section as amended by ordinance of April 27, 1897.*)

Sub-section 56. SHOOTING GALLERY.—For keeping a shooting gallery, the sum of ten (\$10) dollars per annum.

Sub-section 57. STREET FAKER.—For doing business as a street faker or vender of drugs, nostrums, trinkets or other articles, the sum of twenty-five (\$25) dollars per annum.

Sub-section 58. ELECTRIC LIGHT COMPANY.—Each electric light company and gas company doing business in said city, the sum of one hundred (\$100) dollars per annum as a business license.

Sub-section 59. EXPRESS WAGON.—For doing business of expressing with wagons, the sum of five (\$5) dollars per annum for each wagon.

Sub-section 60. FURNITURE WAGON.—For doing business

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§§ 129—131. Licenses—Business.

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of hauling with furniture wagons, called furniture cars, the sum of ten (\$10) dollars per annum for each wagon or car. (*Sub-section as amended by ordinance of April 27, 1897.*)

Sub-section 61. SLOT MACHINES.—Each person, corporation or company setting up or keeping a slot weighing machine, or slot machine of any character, the sum of three (\$3) dollars per annum for each machine.

§ 129. (9) ISSUANCE.—The license herein required shall be issued by the ~~City Clerk~~ upon payment to the City ~~Treasurer~~ <sup>Cashier</sup> of the amount necessary therefor, according to and as set forth and required in Section eight (8) hereof, and the license inspectors and police of the city shall be empowered and authorized at all times to demand the production of the same from the holder thereof, or from any person, corporation or company that should have a license.

§ 130. (10) LICENSE FEES—PURPOSE.—The license fees hereby imposed, levied and collected shall be for the purpose of paying the expenses of maintaining the city government of Newport, Ky., (and shall be apportioned, appropriated and set apart exclusively to the police fund of said city, and be devoted to the payment of its police force.)

§ 131. (10a) RENEWAL—PENALTY ADDED.—That all licenses issued under said ~~ordinances~~ <sup>this</sup> and the amendment to same, ~~approved April 27, 1897,~~ shall expire May 1st each year, and any renewal of a license thereunder on or after May 15th in any year shall have added thereto by the ~~City Clerk~~ <sup>Cashier</sup>, and he is hereby authorized so to do, a penalty of eight per cent. to and upon the amount of such tax, license or licenses, and said eight per cent. penalty shall be in addition to the penalties as set forth in said ordinance and amendment for the non-payment of the tax, license or licenses. It shall be the special duty of the said City Clerk and the License Inspector to strictly enforce the provisions of this ordinance, (and the compensation of such License Inspector, when entitled to the same, shall be paid out of the penalties added as aforesaid, otherwise such added penalties when collected shall be

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§§ 132—135. Licenses—Dogs, Goats.

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appropriated to the police fund of said city.) (*Section added by amendment by ordinance of March 30, 1898.*)

§ 132. (1) REPEALING CLAUSE.—All ordinances and parts of ordinances which have been heretofore enacted, and which relate to the subjects<sup>and</sup> ~~matters~~ of this ordinance, be, and the same are hereby repealed.

*Says the ordinance shall be in force from and after May 18, 1896.*

An Ordinance to license dogs and goats, and to prescribe the duties of the collector of taxes on same. (Approved May 18, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 133. (1) DOGS AND GOATS — LICENSED — AMOUNT.—That every owner or keeper of a dog or goat within the city limits be, and is hereby required to obtain from the City Clerk a license, and to pay therefor the sum of one (\$1) dollar for each dog; the sum of three (\$3) dollars for each bitch; and the sum of one (\$1) dollar for each goat, per annum, said license to expire on the first Monday in May of each year.

§ 134. (2) PENALTY.—Any person hereby required who shall fail or refuse to obtain the license herein provided, or who shall in any other manner violate any of the provisions of this ordinance, shall be fined not less than one dollar, nor more than three dollars and costs of prosecution.

§ 135. (3) LICENSE COLLECTOR — DUTY.—It shall be the duty of the License Collector or Inspector to collect the tax as herein required from the owner or keeper of each and every dog, bitch or goat within said city, who shall have failed to pay the same to the City Clerk as herein prescribed, and on the first Monday in May of each year said collector shall file with the City Clerk of said city a full list, verified by his affidavit, of all the owners or keepers of dogs, bitches or goats in said city from whom he shall have received the tax as herein provided, and in case of his failure so to do, shall, upon due conviction thereof in the police court of said city, be fined not less than five dollars, nor more than ten dollars and costs of prosecution.

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§§ 136—140. Licenses—Explosives.

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§ 136. (4) LICENSE FEES—PURPOSE.—The license fees herein imposed, levied and collected shall be for the purpose of paying the expenses of maintaining the city government of Newport, Ky., and shall be set apart and devoted exclusively to paying the police force of said city.

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An Ordinance providing for the licensing of persons or companies selling gunpowder, dynamite or other explosive in the City of Newport, Ky., and regulating the same. (Approved June 11, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 137. (1) EXPLOSIVES, SELLING OF.—That any person or corporation shall not sell gunpowder, dynamite and other explosives in the City of Newport without first having obtained a license therefor.

§ 138. (2) LICENSE — AMOUNT — DATE.—The license fee for selling gunpowder, dynamite or other explosive shall be ten dollars per annum, and shall be paid to the City Treasurer, and thereupon the City Clerk shall issue said license, which shall be from May 1st each year, *provided, however,* that any person commencing business at a later time in the year shall pay a proportionate part of said fee for the unexpired portion of the year.

§ 139. (3) PENALTY.—Any person or company selling or offering for sale gunpowder, dynamite or other explosive without first having obtained a license shall, on conviction in the Police Court, be fined not less than five dollars nor more than fifty dollars, and each day's selling or offering for sale shall be deemed a separate offense.

§ 140. (4) EXPLOSIVES, HOW KEPT.—Any person or company who obtains a license, as aforesaid, to sell gunpowder, dynamite or other explosive, shall keep the same well secured in proper vessels and cans, with sufficient covers, in a fireproof safe, and shall not have on hand at any one time more than ten pounds of gunpowder, two pounds of dynamite, and small quantity of other

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§§ 141—145. Licenses—Explosives.

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explosives, and shall keep the same within ten feet of the door, over which the sign hereafter provided for shall be placed.

§ 141. (5) EXPLOSIVES, SIGN EXHIBITED.—Every person licensed to sell gunpowder, dynamite or other explosive shall have and keep a sign-board placed over the outside of the door or principal entrance from the street of the building in which powder is left, in which shall be printed in capital letters, "Licensed to sell gunpowder and dynamite."

§ 142. (6) FEES — PURPOSE.—The fee for the license herein provided shall be a part of the revenue of the city, and shall be devoted to the payment of the Fire Department of the city.

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An Ordinance regulating the carrying of explosives through the streets of the City of Newport, and providing for a license therefor. (Became a law by passage over Mayor's veto July 18, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 143. (1) EXPLOSIVES — TRANSPORTATION OF.—Each person carrying or transporting gunpowder, dynamite or other explosive through the streets of the City of Newport, shall have on the vehicle or vehicles used in carrying or transporting same, the words in capital letters of not less than three inches in height, "*Gunpowder, dynamite—dangerous.*"

§ 144. (2) UNLOADING FORBIDDEN — EXCEPTION.—No railroad car containing gunpowder, dynamite or other explosive, shall be unloaded at any place within the corporate limits of the City of Newport, except at or near the east end of the C. & O. railroad freight depot at the head of Washington avenue, nor shall any car be allowed to remain in the corporate limits of said city, except in daytime, between the hours of 9 A. M. and 4 P. M., and an attendant shall be constantly in charge of any car within the city limits. (*Section as amended by ordinance of August 9, 1895.*)

§ 145. (3) LICENSE — AMOUNT — DATE — That no person

**§§ 146—149. Licenses—Fresh Meat.**

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shall carry or transport through the streets of the City of Newport, gunpowder, dynamite or other explosive, without first having obtained a license so to do, and the license therefore shall be for a year from the first day of May each year, and shall be the sum of twenty-five dollars per year, and shall be issued by the City Clerk upon payment of said sum to the City Treasurer; *provided*, that any person commencing said business after the first day of May of each year, shall pay a proportionate part of said sum for the balance of the year.

§ 146. (4) PENALTY.—Any person, corporation or company violating any of the provisions of this ordinance shall, on conviction, be fined in any sum not less than twenty-five (\$25) dollars, nor more than fifty dollars and costs of prosecution.

§ 147. (5) EXCEPTION.—Nothing in this ordinance shall be so construed as to prevent railway companies from carrying explosives through said city on its way to other places, but same shall not be kept for more than one-half hour in its transportation through the city, and same shall be carefully guarded during its passage through the city.

§ 148. (6) LICENSE FEES — PURPOSE. — The license fee herein provided for shall be for revenue of the city, and shall be devoted to assist in the maintenance of the Police Department.

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An Ordinance providing for a license for selling fresh meat by retail. The amount and penalty for selling without same. (Approved January 4, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 149. (1) FRESH MEAT — LICENSE TO SELL.—That each and every person, firm or corporation doing business in the City of Newport as dealers by retail of fresh meat at any place what-

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§§ 150—153. Licenses—Fresh Meat.

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ever, other than at the market house of said city, shall first obtain from the proper authority a license therefor, and shall pay for said license the sum of thirty dollars per annum for each place, store or shop.

§ 150. (2) NOT TRANSFERABLE.—The licenses herein provided for shall in no event be transferable, but shall alone entitle the person therein named to carry on the business for which issued. And said licenses shall be issued by the City Clerk upon payment to the City Treasurer of the sum required therefor.

§ 151. (3) PENALTY.—Any person or persons doing business of retailing fresh meat without having obtained the license therefor, or who shall in any wise violate any of the provisions of this ordinance, shall, upon conviction in the Police Court, be fined in any sum not less than fifty dollars, nor more than one hundred dollars and costs of prosecution.

§ 152. (4) LICENSE FEES—PURPOSE.—The fund herein and hereby derived shall be and constitute a part of the revenue of the City of Newport, and shall be set apart to and constitute a part of the police fund of said city.

§ 153. (4a) RENEWAL AFTER MAY 15—PENALTY ADDED—DUTY OF CLERK.—That all licenses issued under said ordinance shall expire May 1st each year, and any renewal of a license or licenses thereunder on or after May 15th, in any year, shall have added thereto by the City Clerk, and he is hereby authorized so to do, a penalty of 8 per cent. to and upon the amount of such tax license or licenses, and said 8 per cent. penalty shall be in addition to the penalties, as set forth in said ordinance, for the non-payment of the tax license or licenses. It shall be the duty of the City Clerk and the License Inspector to strictly enforce the provisions of this ordinance, and the compensation of such License Inspector, when entitled to same, shall be paid out of the penalties added, as aforesaid; otherwise such added penalties, when collected, shall be appropriated, together with the license taxes, to the police fund of said city. (*Section added by amendment by ordinance of March 30, 1898.*)

**§§ 154—155. Licenses—Liquors.**

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An Ordinance to establish and regulate the rates of license to be paid by persons for selling liquors, whether spirituous, vinous or malt, or any form thereof, at retail in the City of Newport. (Approved February 28, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 154. (1) LIQUORS — LICENSE — AMOUNT—TERMS.**—That the following annual specific taxes shall be paid for licenses by persons keeping taverns, hotels, saloons or coffee-houses, groceries or other places wherein spirituous, vinous or malt liquors, or any form thereof, are sold at retail in the City of Newport, as follows, to-wit: One hundred dollars per annum for retailing said liquors or any form thereof in a tavern; one hundred dollars per annum for retailing same in a hotel; one hundred dollars per annum for retailing same in a saloon or coffee-house; one hundred dollars per annum for retailing same in a grocery; one hundred dollars for retailing same in any other place not herein mentioned; one hundred dollars per annum for retailing beer, ale or porter by the quart or bottle from any grocery or other place. Said license tax to be in addition to any specific license tax for the carrying on of the business of hotel keeping, tavern keeping or grocery keeping, or any other business carried on in the same house wherein said liquor or any form thereof may be retailed. (*Section as amended by ordinance of March 17, 1896.*)

**§ 155. (2) LICENSE — TIME — TRANSFER.**—Each license herein provided shall be issued for one year and limited to the person or persons therein named, and to the house or other establishment for which the same was granted, and shall not be transferable, and shall be from May 1st each year; *provided, however,* the license for the purpose herein named may be granted to such persons as may commence business at any time after the first day of May of any year, the time appointed for the regular issuing of the aforesaid licenses, upon the payment therefor by the applicant of the proportionate amount of the specific tax for the fractional part of the year applied for, and a compliance in all other respects with the provisions of this ordinance. [Provided herein that said

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§§ 156, 157. Licenses—Liquors.

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license may be transferred from one person to another for the same place, or from one place to another for the same person, but not from one place to another for a different person, by consent of the General Council upon the compliance of the applicant for said transfer with the same requirements provided for an original applicant and the payment of the transfer fee of five (\$5.00) dollars.] (*Words in brackets added by amendment by ordinance of August 28, 1905.*)

§ 156. (3) LICENSE — APPLICATION.—The licenses herein provided for shall be issued by the City Clerk upon the compliance of the applicant of the following requirements: the applicant shall present to the General Council his, her or their petition by the first regular meeting in April of each year of the Board first meeting in said month, for said license signed by himself, themselves or herself with his, their or her name in full, stating correctly the kind of business to be done under and by virtue of the license applied for, and the location of the house, by street and number, wherein the same is to be carried on, which application must be signed by not less than twelve respectable householders residing, or persons doing business within two hundred feet of the house sought to be licensed, or place wherein said applicant seeks to carry on said business of retailing liquors, giving their residence or place of doing business by street and number, and requesting the granting of said license and expressing their belief that the applicant therefor is a suitable person to keep such house or carry on said business. Whereupon the General Council shall, in each branch thereof, act upon the said application, and if favorably acted upon, the said City Clerk shall issue said license upon payment of the license fee to the City Treasurer, and said Clerk shall report to each branch of the General Council, and the petition shall remain on file in the City Clerk's office.

§ 157. (4) LICENSE, FORM OF — SUNDAY.—The said license herein provided for shall express upon its face the class thereof, and it shall at all times be exposed to view in some public place in the bar-room of the house for which same is granted, and that the person named shall in all other respects comply with the

**§§ 158—161. Licenses—Milk.**

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laws and ordinances of the city in relation to such places: *provided*, that the licenses herein provided shall not authorize any person to keep open his or her or their house on Sunday for the purpose of selling or otherwise dealing in any spirituous, vinous, malt or other intoxicating liquors; nor to keep open for said purpose on certain days of unusual excitement, when it shall be deemed necessary for the public peace and welfare of the city to close same, and to that end the Mayor shall issue his proclamation to close said houses and prohibit the sale of liquors in them on such days; nor shall said licenses be so construed as to authorize any violation of the laws of the State.

§ 158. (5) **LICENSE FEES — PURPOSE.**—The license fees imposed, levied and collected as provided herein shall be for the purpose of paying the expenses of maintaining the city government of the City of Newport, and shall be devoted to paying the police force of said city.

· § 159. (6) **REPEALING CLAUSE.**—All ordinances in conflict herewith are hereby repealed.

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An Ordinance providing for a license fee to be paid by milk venders in the City of Newport, Ky. (Approved October 18, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 160. (1) **MILK VENDERS — LICENSE.**—That each and every person, corporation or company engaged in the business of vending milk in the City of Newport, shall pay an annual license fee or tax of the sum of \$10 when carried on with a wagon, and \$10 when carried on in a depot.

§ 161. (2) **ISSUE — EXHIBITION.**—The license herein provided for shall be issued by the City Clerk upon payment to the City Treasurer of the amount necessary therefor, according to and as set forth in Section 1, and the License Inspectors, Health Officer and police of the city, shall at all times be empowered and

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§§ 162—166. Licenses—Milk.

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authorized to demand the production of same from the holder thereof, or from any person, corporation or company that should have a license.

§ 162. (3) DATE.—That licenses herein provided and authorized shall date from May 1st each year, and shall be for one year; *provided*, persons beginning business at any time after the first of May shall pay for a proportionate part of the license for the fractional part of the year until the next succeeding May 1st, but same shall not be less than one (\$1) dollar.

§ 163. (4) NON-ASSIGNABLE.—No license shall be assignable or authorize any other person, corporation or company than that named herein to do business thereunder.

§ 164. (5) PENALTY.—Any person, corporation or company who shall violate the provisions of this ordinance shall, on conviction thereof in the police court, be fined in any sum not less than three (\$3) dollars nor more than one hundred (\$100) dollars, and costs of prosecution, and in default of payment thereof shall be confined in the city workhouse or jail, and work out the same at the rate of fifty cents per day; or said license fee may be collected by civil suit in any court of competent jurisdiction.

§ 165. (6) PURPOSE.—License fees herein imposed, levied and collected, shall be for the purpose of raising revenue for the expenses of the city government of the City of Newport, Ky.

§ 166. (6a) RENEWAL AFTER MAY 15—PENALTY ADDED—DUTY OF CLERK.—That all licenses issued under said ordinance shall expire May 1st each year, and any renewal of a license or licenses thereunder on or after May 15th, in any year, shall have added thereto by the City Clerk, and he is hereby authorized so to do, a penalty of 8 per cent. to and upon the amount of such tax license or licenses, and said 8 per cent. penalty shall be in addition to the penalties, as set forth in said ordinance, for the non-payment of the tax license or licenses. It shall be the duty of the City Clerk and the License Inspector to strictly enforce the provisions of this ordinance, and the compensation of such License Inspector, when entitled to same, shall be paid out of the penalties added, as aforesaid; otherwise such added penalties,

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§§ 167—170. Licenses—Privy Cleaner.

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when collected, shall be appropriated, together with the license taxes, to the police fund of said city. (*Section added by amendment by ordinance of March 30, 1898.*)

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An Ordinance requiring persons carrying on business as privy vault cleaners in the City of Newport, to take out a tax license therefor, and prescribing a penalty for a failure of such persons so to do. (Approved April 27, 1897.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 167. (1) VAULT CLEANERS' LICENSE — AMOUNT.—That any person who shall carry on business as privy vault cleaners in the City of Newport, such person shall pay an annual license fee in the sum of twenty-five dollars.

§ 168. (2) ISSUAL.—The license herein provided for shall be issued by the City Clerk upon payment to the City Treasurer of the amount necessary therefor, and said license shall not be assignable or authorize any other person than that named therein to do business thereunder.

§ 169. (3) DATE.—The licenses herein provided for and authorized shall date from May 1st each year, and shall be for one year; *provided*, that persons beginning business at any time after the first day of May, shall pay for a proportionate part of the license for the fractional part of the year until the next succeeding May 1st, but same shall not be less than three dollars.

§ 170. (4) PENALTY — REVOCATION.—Any person who shall violate the provisions of this ordinance shall, on conviction thereof in the police court, be fined in any sum not less than three dollars nor more than one hundred dollars, and costs of prosecution, and in default of payment thereof shall be confined in the city workhouse or jail, and work out the same at the rate of fifty cents per day; or said license fee may be collected by civil suit in any court of competent jurisdiction. The Mayor of the city is

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§§ 171—174. Licenses—Vehicles.

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hereby authorized to revoke the license of such person for any violation of this ordinance.

§ 171. (5) LICENSE.—Any person who has obtained the license herein required shall, nevertheless, be subject to all the requirements, regulations and rules governing the Board of Health and Health Officer of said city.

§ 172. (6) PURPOSE.—The license fees herein imposed, levied and collected shall be for the purpose of raising revenue for the expenses of the city government of Newport, and set apart exclusively for the police fund of said city and devoted to the payment of its police force.

§ 173. (6a) RENEWAL AFTER MAY 15—PENALTY ADDED—DUTY OF CLERK.—That all licenses issued under said ordinance shall expire May 1st each year, and any renewal of a license or licenses thereunder on or after May 15th, in any year, shall have added thereto by the City Clerk, and he is hereby authorized so to do, a penalty of 8 per cent. to and upon the amount of such tax license or licenses, and said 8 per cent. penalty shall be in addition to the penalties, as set forth in said ordinance, for the non-payment of the tax license or licenses. It shall be the duty of the City Clerk and the License Inspector to strictly enforce the provisions of this ordinance, and the compensation of such License Inspector, when entitled to same, shall be paid out of the penalties added, as aforesaid; otherwise such added penalties, when collected, shall be appropriated, together with the license taxes, to the police fund of said city. (*Section added by amendment by ordinance of March 30, 1898.*)

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An Ordinance providing for the classification and licensing of vehicles kept or used for hire in the City of Newport, Ky., and prescribing a penalty for a failure to pay said license. (Approved July 20, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 174. (1) VEHICLES USED FOR HIRE—LICENSE—CLASSIFICATION.—That every person, company or corporation keeping

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**§§ 175—177. Licenses—Vehicles.**

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or using a vehicle in the City of Newport for hire, be and are hereby required to obtain a license from the City Clerk and pay respectively therefor, each and every year, the amounts as follows, to-wit:

For each buggy or sulky drawn by one horse.....	\$3.00
For each cab or hack drawn by one horse.....	3.00
For each one-horse carriage.....	3.00
For each two-horse carriage.....	5.00
For each one-horse cart.....	3.00
For each one-horse dray, truck or express.....	5.00
For each baggage wagon.....	10.00
For each two-horse omnibus.....	10.00
For each four-horse omnibus.....	15.00
For each six-horse omnibus.....	20.00
For each vehicle not mentioned, drawn by one horse..	5.00
For each vehicle not mentioned, drawn by two horses.	10.00
For each vehicle not mentioned, drawn by three horses.	15.00
For each vehicle not mentioned, drawn by four horses.	20.00
For each vehicle not mentioned, drawn by five horses..	25.00
For each vehicle not mentioned, drawn by six horses..	30.00

**§ 175. (2) DATE.**—The license herein provided for shall be issued on the first Monday in August of each year, except where said person, company or corporation shall commence business after the first Monday in August of any year, when a license shall be issued until the first Monday in August next ensuing, upon payment thereof of a proportional amount of the annual tax herein provided.

**§ 176. (3) EXCEPTION.**—The provisions of this ordinance shall apply to all vehicles kept or used for hire by persons residing within or without the corporate limits of the City of Newport, making general use of the streets of said city, except express wagons or furniture cars under license.

**§ 177. (4) PENALTY.**—Any person, company or corporation hereby required who shall fail or refuse to obtain the prescribed license, or who shall in any manner violate any of the provisions of this ordinance, shall be subject to a fine of not less than five dollars nor more than thirty dollars, and costs of prosecution.

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§§ 178—184. Markets.

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§ 178. (5) ISSUAL.—Said license shall be issued by the City Clerk upon production of a receipt from the Treasurer that the applicant has paid into the treasury of the city the sum required to be paid for said license.

§ 179. (6) LICENSE PLATE — EXHIBITION.—Any person, company or corporation obtaining a license under this ordinance shall obtain from the City Clerk one plate designating the kind of vehicle licensed, which plate shall be placed in a conspicuous place on the side of the vehicle licensed, excepting buggies, sulkies, cabs, hacks or carriages, and the like.

§ 180. (7) POLICE OFFICERS' DUTY.—It shall be the duty of the police and other officers of the city clothed with police powers to enforce the provisions of this ordinance.

§ 181. (8) PURPOSE.—The license fees hereby levied and collected shall be for the purpose of paying the expense of maintaining the city government, and shall be set apart to the police fund of said city, and devoted exclusively to the payment of its police force.

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#### MARKETS AND MARKETMASTER.

An Ordinance regulating markets in the City of Newport, Ky. (Approved September 6, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 182. (1) MARKET DAYS.—That the regular market days in said city shall be on each day of the week except Sunday.

§ 183. (2) STALLS — STANDS — SALE OF.—Meat stalls and vegetable stands shall be disposed of in the following manner: The first choice to the highest bidder after five days' notice of sale, and each succeeding choice disposed of in like manner.

§ 184. (3) PURCHASER OF STALLS—RIGHTS.—Each purchaser of a choice of one or more stalls or stands, shall be entitled to the use of the stalls or the stands he or they may select so long as

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§§ 185—189. Markets.

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they comply with the ordinances regulating said markets, subject to whatever rent per annum the General Council may impose.

§ 185. (4) STALLS — TRANSFER.—It shall be unlawful for any person or persons that have selected stalls, or may hereafter select stalls or stands, to transfer their privileges to other persons without the consent of the Marketmaster.

§ 186. (5) STALLS — FORFEITURE.—That from and after the time of holding markets, any butcher that shall fail for four successive market days to supply his stall or stalls with plenty of good and wholesome fresh meat, then his or her right to said stall or stalls may be considered and taken as forfeited, and may be let to the highest bidder.

§ 187. (6) FALSE WEIGHTS—PENALTY.—That if any person should offer for sale at the aforesaid markets of the City of Newport, or sell or offer for sale any provisions of any kind at a less weight or measure than as by the standard weights as established by the city, shall be fined four dollars for every offense, to be recovered in the police court of said city.

§ 188. (7) STANDARD WEIGHTS TO BE KEPT.—That there shall be kept and procured a pair of scales and the weights thereto, which are known and proved to be correct by the standard weights of this State, also one set of measures, to-wit: 1 bushel,  $\frac{1}{2}$  bushel, 1 peck,  $\frac{1}{2}$  peck, small measure, and one quart measure tried and tested as aforesaid, which said weights and measures shall be the standard for all articles that may be sold or offered for sale in said markets.

§ 189. (8) CLEANSING — PENALTY.—It shall be the duty of each butcher or other person using a meat stall or stalls, or vegetable stand in said market house to wash or otherwise properly cleanse the benches or blocks attached to his or her said stall or side bench on every market day, on which they may use the same, by 12 o'clock of the same day except Saturday, upon which day they shall be cleaned by 11 o'clock p. m. Any person neglecting to comply with this section shall be fined in any sum not exceeding \$3 and costs, upon conviction in the police court.

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§§ 190—194. Markets.

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§ 190. (9) RENTS PAID BEFORE SALES.—It shall be unlawful for any person to sell at retail any fresh meat in said markets, unless he, she or they shall have actually rented and paid rent for a stand or stalls in said market house; nor shall any butcher use or occupy any vegetable stand to lay or cut up meat upon; under a penalty of \$5 and costs, recoverable as in Section 8, provided that nothing in this section shall prohibit the sale of meat by the quarter, or fowls, squirrels, rabbits, and other game of like manner.

§ 191. (10) SLAUGHTERING PROHIBITED.—That it shall not be lawful for any person or persons to slaughter, kill or dress any animal within the said market house, or lay any garbage, offal, filth, or rubbish in or about any part of the same; any person so offending shall, upon conviction in the police court, be fined in any sum not exceeding \$5 and cost.

§ 192. (11) FORESTALLING — PENALTY.—That any person who shall buy or cause to be bought any article of provision whatever, corn, hay or oats or anything else designed for or actually going to the market before the same shall arrive in the markets within the corporation, or after the arrival and before the opening of said market, shall upon conviction be fined in any sum not exceeding \$10, in the police court.

§ 193. (12) CLOSING HOURS.—That the hour for closing said markets is hereby fixed at 12 o'clock each day except Saturday, when same shall be closed at 10 p. m. Any person occupying a stall or stand after said hours, shall upon conviction pay a fine not exceeding \$3 and costs.

§ 194. (13) MARKETMASTER — DUTY.—That it shall be the duty of the Marketmaster and he is hereby empowered to rent the stalls and vegetable stands agreeable to Section 2 of this ordinance, which may be for rent. When this ordinance takes effect, it shall further be the duty of the Marketmaster to cause the market house in the city to be kept clean, and if any repairs are necessary to report the same immediately to the General Council, and cause wagons, teams, carts and other vehicles to be placed in the market place, so as to suit the convenience of the buyers and

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**§§ 195—199. Markets.**

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sellers; to take charge of and safely keep the weights and measures belonging to said markets, and neither to use or suffer the same to be used except when testing weights and measures; to preserve order in the market and to prevent and remove all nuisances found in said market house or places. It shall be his duty to attend to the weighing or measuring of all suspected weights and measures and see that correct weights and measures are used in said markets.

§ 195. (14) OUTSIDE STANDS.—That the stalls and stands in and around the market house at the corner of Columbia street, shall remain and be as heretofore established and as according to the plat on file in City Clerk's office.

§ 196. (15) OUTSIDE STANDS — RULES.—That the stalls and stands for fruit and vegetables around the market house, shall be governed by the ordinance on markets and controlled by the Marketmaster as the stalls within the market house.

§ 197. (16) RENTS — RATES.—That the price shall be fixed in February each year on each of said stalls and stands by the Marketmaster and Committees on Markets of the General Council, according to the respective minimum value of each as the rent for one year, and the Marketmaster shall thereafter on March 1<sup>st</sup> each year proceed to receive bids for same, as provided in Section 2, at public auction, and he shall let same to the person offering the highest premium and report the bids and prices to the General Council.

§ 198. (17) MARKETMASTER — POWERS.—That said Marketmaster be and is hereby vested with authority over and made responsible for the police and sanitary condition of said market house, and have full control over and management of all stands, wagons, teams and all other vehicles attending and occupying the streets and places around said market house, and to carry out that purpose he shall be vested with police power.

§ 199. (18) MARKETMASTER — POWERS.—The Marketmaster shall promptly arrest and prefer charges and take necessary steps against any person found vending or offering for sale any meats, fruits, vegetables, or other articles of provision in a putrid,

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§§ 200—203. Marketmaster.

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damaged, spoiled or decomposed condition, or who shall sell or offer for sale any meats or articles of provision of any kind, or buy from any scales, weights or measures not duly tested and proven correct by the standard weights and measures adopted and established by the State and the General Council of Newport. He shall also report all persons resorting to or using any device for imposition or fraud in the sale of any article offered by them for sale, or who shall directly or indirectly offer for sale any articles as aforesaid deficient in the weight or measure it proposes to be.

§ 200. (19) MARKETMASTER — INSPECT WEIGHTS, ETC.—The Marketmaster shall inspect all weights and measures, and shall be the custodian of the standard weights and measures, the property of the city, for the safety and condition of which he is and shall be held strictly responsible.

§ 201. (20) MARKETMASTER — ACCOUNTS.—The Marketmaster shall keep an account of all business transacted by him relating to the market and render a full written report to the General Council once in every three months and at such other times as he may be required by said General Council, and all moneys coming into his hands as a receiving officer of the city shall be promptly and faithfully delivered over to the person authorized to receive the same once in each month.

§ 202. (21) RENTS — WHEN PAID — MARKETMASTER RESPONSIBLE.—The rent of all stalls and stands shall be paid monthly in advance, and the Marketmaster shall be held responsible for the collection of same.

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An Ordinance creating the office of Marketmaster for the City of Newport, Ky., prescribing the duties of said office, fixing the compensation thereof, and the form of bond which he shall be required to give. (Approved March 16, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 203. (1) MARKETMASTER — TERM — ELECTION. — That the office of Marketmaster for the City of Newport, Ky., be, and

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§§ 204—206. Marketmaster.

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the same is hereby created, whose term of office shall be for one year, commencing on the first Monday in January, and shall be elected by the General Council in joint session, and be subject to removal at any time by said Council.

§ 204. (2) DUTIES.—That it shall be the duty of the Marketmaster to adjust, regulate, arrange and rent all the stalls and stands in and about the market house and space, by and under such rules as may from time to time be adopted by the General Council.

§ 205. (3) DUTIES.—That said Marketmaster be, and he is hereby vested with authority, and made responsible for the police and sanitary condition of said market house, etc. He shall keep and cause to be kept, in a neat, clean and orderly condition, said market house and space, and to this end shall have full control over and management of all stands, wagons, teams, and all other vehicles attending and occupying the streets and spaces around said market house. He shall preserve order and enforce the rules governing said markets. He shall prevent and remove all obstructions, accumulations of debris and other nuisances in and from said market house and streets and spaces around the same. He shall exercise and maintain a vigilant and prudential regard for the good order of said market house and for the protection of persons and property; and he shall, as far as possible, prevent any violations of the ordinances regulating the markets, and he shall deliver into custody of the police all offenders thereof, vagrants, disorderly persons, thieves, and persons loitering in and around said market house.

§ 206. (4) DUTIES.—Said Marketmaster shall, during market hours, make frequent visits to each and every stall and stand in said market and shall closely observe all articles vended or offered for sale therein, and shall promptly report to the proper authorities the names and requisite information of any and all persons whom he shall find vending, selling or offering for sale any meats, fruits, vegetables or other articles of provisions in a putrid, damaged, spoiled or decomposed condition, or who shall sell, vend or offer for sale any meats or articles of provisions of

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§§ 207—209. Marketmaster.

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any kind by or from any scales, weights and measures not duly tested and proven correct by the standard weights and measures adopted and established by the State and the General Council of Newport. He shall also report all persons found resorting to or using any device for imposition or fraud in the sale of any articles offered by them for sale, or who shall directly or indirectly sell or offer for sale any article as aforesaid deficient in the weight or measure it purports to be.

§ 207. (5) CUSTODIAN OF WEIGHTS AND MEASURES.—That said Marketmaster shall be the custodian of the standard weights and measures, the property of the city, for the safety and condition of which he is and shall be held strictly responsible. It shall be his duty, and he is hereby authorized to inspect and seal once in every year all weights and measures, scales, beams and other instruments used in the weighing or measuring of any and all articles of whatever kind or class sold within the city limits, and he shall in addition to the said annual inspection, upon information of false weights and measures being used by any person or persons, or the opening of a place of business where the weights and measures have not been by him inspected, proceed at once to correct, inspect and verify the same; and it shall be his duty to promptly report all persons refusing to exhibit his, her or their weights, measures, scales, beams or other instruments used by them in weighing or measuring any articles offered by them for sale who shall be proceeded against according to law.

§ 208. (6) ACCOUNTS.—He shall keep an account of all business transacted by him under the provisions of this or any other ordinance relating to the duties of his said office, shall render a full written report thereof to the General Council once in every three months, and at such other times as by the said Council may be required, and all moneys coming into his hands as a receiving officer of the city, shall be by him promptly and faithfully delivered over to the person or persons authorized to receive the same, in accordance with the laws and ordinances made and provided.

§ 209. (7) PAYMENT BY, OF FEES, ETC.—Said Marketmaster, before he shall be entitled to or receive his salary as here-

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§§ 210—213. Marketmaster—Fees.

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inafter provided, shall on the first Monday of each and every month pay over into the city treasury all fees, revenue, costs, commissions and other money collected by said officer during the preceding month, taking his receipt therefor, and also make on oath an itemized report to the General Council of all said fees, etc., by him so collected.

§ 210. (8) OATH.—That he shall, before entering upon the duties of his office, take the oath of office as required by law, and shall further execute bond to said city with good security to be approved by the General Council, conditioned to well and truly receive, collect and pay over all rents, fees, tolls, money or other property coming into his hands as said officer and to which the city may be entitled, and for the faithful performance of all duties relating to his office. Said bond shall be in amount one thousand dollars.

§ 211. (9) SALARY.—That he shall receive as compensation for his services the sum of seven hundred and twenty dollars per annum, to be paid in installments of sixty dollars each month during his term of office.

§ 212. (10) WEIGH OR MEASURE, WHEN REQUIRED, WHEAT, ETC.—That said Marketmaster shall, when required, according to the standard of weights and measures as aforesaid, weigh or measure wheat, corn, oats, rye and other products, wood, coal, lime, hay, and other articles that may be sold or offered for sale in the city, and he shall officially certify the quantity of all articles weighed or measured by him.

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An Ordinance prescribing the amount and the disposition to be made of the fees collected by the Marketmaster of the City of Newport, and 'also a penalty for failure to pay same. (Approved September 9, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 213. (1) MARKETMASTER — FEES — AMOUNT — DISPOSITION OF.—That the Marketmaster of the City of Newport, Ky.,

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**§§ 214, 215. Marketmaster—Fees.**

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be, and is hereby authorized to charge and collect for services rendered by him as such, the following stated fees: For inspecting and sealing platform scales of two thousand pounds and upwards, one (1) dollar each; for same of less capacity, fifty (50) cents each; inspecting beams of one thousand pounds and upwards, fifty (50) cents each; for the same of less size and capacity, twenty-five (25) cents each; inspecting weights of five pounds and upwards, ten (10) cents each; inspecting counter-balances and scales with weights thereof, from one-fourth ounce to five (5) pounds, each set, twenty-five (25) cents; inspecting dry measures from one (1) bushel downward, ten (10) cents each; and for inspecting liquids, etc., measures from from a gallon upwards, ten (10) cents each; and for the same of less capacity, five (5) cents each; and for each and every yard measure, ten (10) cents each; for weighing or measuring wheat, corn, oats, rye and other products, wood, coal, lime, hay and other articles that may be sold or offered for sale in said city, one (1) dollar per car-load, and twenty-five (25) cents per wagon-load. The above rates to be the established prices, and where the weights and measures do not come within the limits they shall be paid for in proportion to the foregoing scale, and said fees shall be paid by the owner of the weights, measures, scales, beams, etc., to said Marketmaster on his furnishing to them a duly certified inspection of their said weights and measures.

**§ 214. (2) FEES — PURPOSE.** — The fees herein imposed shall be for the purpose of raising revenue for the expenses of the government of said City of Newport, and when collected shall be exclusively devoted to the interest fund of same.

**§ 215. (3) PENALTY.** — That any person or persons failing or refusing to pay the fees as herein authorized, are hereby prohibited from using their said weights, measures, scales, beams, etc., until same are paid thereon. Upon due conviction in the police court of said city for a violation of any of the provisions of this ordinance, a fine shall be imposed of not more than ten dollars and costs of prosecution.

§§ 216—218. Offenses—Animals at Large.

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OFFENSES AND PUNISHMENTS.

An Ordinance to prohibit the running at large of vicious animals.  
(Approved March 5, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 216. (1) VICIOUS ANIMALS RUNNING AT LARGE — PENALTY.—That it shall not be lawful for the owner or keeper of any vicious or dangerous dog, or any other vicious or dangerous animal, to allow it to go at large in the City of Newport. And any person violating this ordinance, shall upon conviction be fined in any sum not less than one dollar, nor more than ten dollars and costs of prosecution.

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An Ordinance relating to dogs and goats in the City of Newport, Ky.  
(Approved December 26, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 217. (1) DOGS AND GOATS RUNNING AT LARGE, TO BE KILLED.—That all dogs and goats found running at large in the City of Newport, Ky., for whom owners can not be found, shall upon the order of the Mayor or Chief of Police of said city be at once killed by the License Inspector or a police officer.

§ 218. (2) MAYOR MAY ORDER DOGS MUZZLED — PENALTY.—That the Mayor be and he is hereby authorized and empowered from time to time as he shall deem necessary or proper by proclamation, to order all dogs to be muzzled; and any dog found running at large in the city without a muzzle, within the time they are prohibited by such proclamation, shall be killed by any police officer, and the owner of any dog so found running at large in the city without a muzzle, and within the time prescribed, shall be fined

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§§ 219—221. Offenses—Animals at Large.

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upon conviction in any sum not less than one dollar, nor more than ten dollars and costs.

§ 219. (3) VICIOUS DOGS—UNLAWFUL TO ALLOW AT LARGE—PENALTY.—That it shall be unlawful for the owner or keeper of any vicious or dangerous dog to allow it to go at large in the city, and the owner or keeper of said dog shall be fined in any sum not less than one dollar, nor more than ten dollars and costs, and as a part of the judgment, the judge of the police court shall order said vicious or dangerous dog killed.

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An Ordinance to prohibit the running at large of horses, cows, hogs, and other cattle and stock in the City of Newport, and prescribing penalties therefor. (Approved December 26, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 220. (1) STOCK RUNNING AT LARGE — PENALTY. — That it shall be unlawful for any person being the owner or custodian thereof to permit any horse, cow, hog or other cattle or stock to run at large in the City of Newport, and any person so offending shall be fined in any sum not exceeding ten dollars and costs.

§ 221. (2) STOCK RUNNING AT LARGE — IMPOUNDING. — That if no owner or custodian of any horse, cow, hog or other cattle or stock found running at large in the City of Newport, can be found, the Chief of Police shall impound same for a space of ten days, and shall then after five days' advertisement in the official newspaper of the city, sell same to the highest bidder, and with the proceeds he shall pay the costs of the keep and all expenses of same, and the balance of said money, if any, shall be paid into the police fund of the city.

**§§ 222—225. Offenses—Ball-playing, Bicycles.**

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An Ordinance making it unlawful for any person to play ball, or to throw a ball or any other hard substance, in the streets and alleys within the corporate limits of the City of Newport, Ky. (Approved July 28, 1905.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 222. (1) BALL-PLAYING, ETC., IN STREET — UNLAWFUL.**—That it shall be unlawful for any person to play base-ball, or to throw a ball or any other hard substance, in any of the streets and alleys within the corporate limits of the City of Newport, Ky.

**§ 223. (2) PENALTY.**—That any person violating the provisions of this ordinance shall, upon conviction in the police court, be fined not less than one dollar (\$1.00) nor more than five dollars (\$5.00), in the discretion of the court.

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An Ordinance pertaining to the use of bicycles in the City of Newport, Ky.  
(Approved June 29, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 224. (1) BICYCLES — RIDING ON SIDEWALKS — SIGNAL LIGHTS.**—That it shall be unlawful for any person to ride a bicycle upon the sidewalks of the City of Newport; and no person shall use or ride a bicycle after night in said city without having attached thereto a lighted lamp or signal light.

**§ 225. (2) PENALTY.**—Any person violating any of the provisions of this ordinance, shall upon conviction be fined in any sum not less than one dollar nor more than ten dollars for each offense.

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§§ 226—228. Offenses—Begging—Disorder.

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An Ordinance prohibiting and fixing punishment for parents, guardians or custodians, allowing infants under sixteen years to beg in the City of Newport, Ky. (Approved January 9, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 226. (1) PERMITTING CHILD TO BEG — PENALTY.—That it shall be unlawful for any person being the parent, guardian or custodian of a child under sixteen years of age to, for gain or reward, procure or consent for said child to beg or receive alms, and any person so offending shall,, for the first offense, be fined not more than twenty dollars, or confined in the workhouse or jail not more than ninety days, or both so fined and confined, in the discretion of the court, and costs.

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An Ordinance to secure peace, good order and protection to the people of the City of Newport, Ky., and prescribing punishment for violation of same. (Approved October 16, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 227. (1) BREACH OF PEACE — RIOT — ROUT — UNLAWFUL ASSEMBLY — PENALTY.—That if any person or persons shall in the City of Newport be guilty of a breach of the peace, riot, rout, unlawful assembly or affray, the person so offending and each of them, shall be fined not less than one cent nor more than one hundred dollars, or imprisonment not less than five nor more than fifty days, or both so fined and imprisoned.

§ 228. (2) DISORDERLY CONDUCT — PENALTY.—That if any person or persons shall in the City of Newport be guilty of disorderly or improper conduct, the person so offending and each of them shall be fined not less than one cent nor more than one

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§§ 229—233. Offenses—Disorder.

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hundred dollars, or imprisonment not less than five nor more than fifty days, or both so fined and imprisoned.

§ 229. (3) ABUSIVE LANGUAGE—PENALTY.—Whoever shall in the presence of another person or persons, in the City of Newport, use any abusive or insulting language, intending thereby to insult such other person or persons, or with the intention to provoke an assault, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not exceeding twenty dollars. If the offender be a male, and the person so injured be a female, the offender shall be fined in any sum not exceeding fifty dollars.

§ 230. (4) HOUSE OF ILL-FAME—DISORDERLY HOUSE—PENALTY.—Whoever shall occupy or keep within the City of Newport a house of ill-fame, or any house in which disorderly, riotous, illegal or improper conduct is permitted or carried on, shall upon conviction be fined in any sum not exceeding fifty dollars.

§ 231. (5) PROFANE SWEARING—DRUNKENNESS—PENALTY. Whoever shall in the City of Newport profanely curse or swear, or shall be drunk, shall be fined one dollar for each offense; and every oath shall be deemed a separate offense.

§ 232. (6) EXPOSING PERSON BY BATHING OR OTHERWISE—PENALTY.—That it shall be unlawful for any person within the city either by bathing in the river or otherwise to indecently and obscenely expose their person, or use any obscene or foul language upon the public streets or in public places, and upon conviction the person thus offending shall be fined in any sum not exceeding fifty dollars.

§ 232 a. (7) WANTONLY THROWING DANGEROUS SUBSTANCES — PENALTY.—That it shall be unlawful for any person to wantonly or carelessly throw any stone, brick or other hard or dangerous substance within the city, and upon conviction thereof the person thus offending, shall be fined by the Police Judge in any sum not exceeding fifteen dollars.

§ 233. (8) REPEALING CLAUSE.—All ordinances in conflict herewith are hereby repealed.

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§§ 234—236. Offenses—Entering Cars, Ladder Wagons.

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An Ordinance to prevent persons not employees or passengers from entering upon steam, electric or street cars in the City of Newport, Ky.  
(Approved March 16, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 234. (1) ENTERING STEAM OR OTHER CARS.—That it shall be unlawful for any person who is not an employee or passenger to enter upon any steam, electric or street-car within the City of Newport, whether the car shall be still or in motion at the time of said entry; *provided*, this shall not apply to persons having business in connection with the owners or in relation to the cars at the time.

§ 235. (2) PENALTY.—Any person violating the first section of this ordinance shall, upon conviction in the police court, be fined in any sum not less than fifteen (\$15) dollars and the costs of prosecution.

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An Ordinance to prohibit persons not officers of the Fire Department, or authorized by said officers, from riding on the ladder wagons, hose-reels or vehicles of the Fire Department while going to and from fires, or being used in the department, and prescribing a penalty. (Approved March 16, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky*

§ 236. (1) FIRE DEPARTMENT WAGONS, RIDING ON — PENALTY.—That no person, except a member of the fire department of the City of Newport, or person thereby authorized, shall be allowed to ride on the ladder wagons, hose-reels or vehicles of the fire department while going to and from fires, or answering alarms or being used in the department; and any person so riding on same shall be guilty of a misdemeanor, and upon conviction in the police court shall be fined in any sum not exceeding ten (\$10) dollars and costs of prosecution.

**§§ 237—239. Offenses—Lewd Posters—Midnight Closing.**

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An Ordinance to prohibit the posting or exhibiting of lewd or indecent posters or cuts. (Approved January 9, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 237. (1) LEWD POSTERS PROHIBITED.**—That it shall be unlawful for any person or persons, firm or corporation to paste, nail, tack, or in any manner hang, fasten or expose upon any wall, fence, post or any other place, or expose in any window on the public streets any bill, poster or cut, exhibiting or representing any nude, lewd or indecent character or person.

**§ 238. (2) PENALTY.**—Any person violating this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five nor more than twenty-five dollars and costs of prosecution, and each bill, poster or cut shall constitute a separate offense.

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An Ordinance requiring the closing of bar rooms and other places where liquors are sold between midnight and 5 A. M. (Approved February 13, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 239. (1) BAR-ROOM, CLOSING OF.**—That it shall be unlawful for any saloonkeeper or other dealer or vender of liquors, either spirituous, vinous or malt or any other form thereof, between the hours of 12 o'clock at night or midnight and 5 o'clock in the morning thereafter, to have open a bar-room or other place for the sale, giving or otherwise disposing of such liquors; or to suffer or permit any persons to enter or remain in said bar-room or place, except the keeper thereof; and the person so offending shall, upon conviction in the police court, be fined in any sum not less than five dollars nor more than fifteen dollars for each offense, with costs of prosecution.

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§§ 240—242. Offenses—Liquor Selling—Loitering.

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§ 240. (2) EXCEPTION.—This ordinance shall not apply to persons licensed by the City Clerk, on the payment of five dollars, with the approval of the Mayor of the city, to have an evening party or other entertainment for a single occasion.

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An Ordinance fixing the penalty for selling liquors, (spirituous, vinous or malt,) to be drunk on the premises, in the City of Newport, Ky., without a city license therefor. (Approved April 19, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 241. (1) LIQUOR SELLING WITHOUT LICENSE — PENALTY.—Any person who shall, without a license from the City of Newport so to do, sell or otherwise dispose of any spirituous, vinous or malt liquors to be drunk on the premises within the City of Newport, shall for each offense be fined, upon conviction of same in the police court of said city, not less than twenty nor more than one hundred dollars and cost of prosecution, and in default of payment of fine and costs the person so convicted shall be committed to the city workhouse and work said fine and costs out at the rate of fifty cents per day.

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An Ordinance to punish loitering in the City of Newport, Ky. (Approved January 9, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 242. (1) LOITERING — PENALTY.—That it shall be unlawful for any person not having a legitimate business or visible means of support to, in an idle, dissolute, disreputable or loafing way, to loiter around the streets or within the limits of the City of Newport, and any person so offending shall be, on conviction thereof, fined in any sum not exceeding fifteen dollars and costs. (*See Section 258.*)

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**§§ 243—247. Offenses—Nuisances.**

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An Ordinance to prohibit the creation of nuisances in the City of Newport, Ky. (Approved November 9, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 243. (1) NUISANCES ON PRIVATE PROPERTY.**—That it shall be unlawful for any person or persons to create, cause to exist, or suffer to remain on any premises over which he or they have control as owner, agent or otherwise, any nuisance, or any kind of matter or thing injurious to the health of those residing on the premises or in the neighborhood thereof, or to cause, suffer or permit on any premises any matter causing a stench or odor noxious and offensive to those in the neighborhood or passers-by upon the public streets.

**§ 244. (2) STABLE, ETC., NOT TO BECOME OFFENSIVE.**—That it shall be unlawful for the owner or occupant of any premises to suffer or permit any stable thereon, yard attached thereto, privy attached thereto, outhouse or other establishment attached thereto, to become offensive to the neighborhood or a nuisance.

**§ 245. (3) PENALTY.**—Any person violating the provisions of this ordinance shall, upon conviction in the police court, be fined in any sum not exceeding fifteen dollars and costs.

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An Ordinance prohibiting the creation of nuisances by depositing refuse material in the streets, alleys and public ways and sewer catch basins. (Approved October 16, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 246. (1) REFUSE MATERIAL.**—That it shall be unlawful for any person to cause to exist, place, deposit or suffer to remain upon the streets, alleys or public ways or in the sewer catch basins any refuse matter or material.

**§ 247. (2) ASHES, ETC.**—That it shall be unlawful for any person or persons to throw or place, or suffer to drain upon any street, alley or other public place, or in the sewer catch basins, any

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**§§ 248—251. Offenses—Nuisances.**

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ashes, rubbish, slops, garbage, offal, animal or vegetable matter or other refuse material.

§ 248. (3) DEAD ANIMALS.—That it shall be unlawful for any person to permit the carcass of any dead animal, he having been the owner of same when alive, to remain upon any street, alley, sidewalk, market place or public way of the city for a longer period than ten hours, without having notified the garbage collector or police authorities.

§ 249. (4) PENALTY.—Any person or persons violating the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding fifteen dollars and costs.

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An Ordinance to prohibit obstructing sidewalks. (Approved March 5, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 250. (1) SIDEWALKS — OBSTRUCTING — PENALTY.— That if any person or persons shall be hereafter guilty of obstructing any sidewalk of any street or alley in said city by sitting or standing in such numbers or in such positions as to interrupt or hinder persons from freely passing and going to and fro on same, or shall in any manner by placing on said sidewalks any vehicle or horse or other obstruction which shall interrupt or hinder persons from freely passing on same, shall be fined, upon conviction in the police court, in any sum not exceeding five dollars and costs of prosecution. (*See Section 254.*)

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An Ordinance declaring it to be unlawful for any person to spit upon the floor of any street or traction car or any of the sidewalks within the corporate limits of the City of Newport, Ky. (Approved July 3, 1905.)

*Be it ordained by the General Council of the City of Newport, Ky*

§ 251. (1) SPITTING ON STREET, ETC.— UNLAWFUL.—That it shall be unlawful for any person to spit or expectorate upon the

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§§ 252—255. Offenses—Property Protected.

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floor of any street or traction car, operating in the City of Newport, or on any of the sidewalks within the corporate limits of the City of Newport, Ky.; said spitting or expectorating by any person as aforesaid is hereby declared to be a nuisance, unlawful, obnoxious and injurious to the public health, and a stench in the nostrils of the people, also spoiling the garments of the women.

§ 252. (2) PENALTY.—Any person violating any of the provisions of this ordinance shall be punished, upon conviction before the police court, by a fine in any sum not less than one dollar (\$1) nor more than five dollars (\$5), in the discretion of the court.

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An Ordinance to protect public and private property in the City of Newport, Ky. (Approved October 4, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 253. (1) CURBING, ETC.—TO PROTECT — PENALTY.—That it shall be unlawful for any person to wantonly, carelessly or maliciously drive over, trespass upon, or in any way injure or damage any curbing, pavement or sidewalk in the streets of the City of Newport, and upon conviction thereof said person shall be fined by the Police Judge in any sum not more than fifteen dollars and costs.

§ 254. (2) PUBLIC WAYS—OBSTRUCTING—PENALTY.—That it shall be unlawful for any person to wantonly or carelessly encumber or obstruct any of the public ways of the city with carts, wagons, lumber, stone or other articles, or in any manner damage the public ways, and upon conviction thereof said persons shall be fined by the Police Judge in any sum not more than fifteen dollars and costs; *provided*, that this section shall not apply to the use of the streets for building purposes, when a proper permit has been obtained therefor. (*See Section 250.*)

§ 255. (3) PUBLIC PROPERTY — MUTILATING — PENALTY.—That it shall be unlawful for any person to wantonly, maliciously or carelessly mutilate, mark, tear down, trespass upon, or in any way damage the public buildings, wharves, parks, grass, trees,

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§§ 256—258. Offenses—Property Protected.

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sewers, catch basins or other property of the city, or the private property of any person or corporation within the city, and upon conviction thereof the person so offending shall be fined by the Police Judge in any sum not exceeding fifteen dollars and costs. (*Section as amended by ordinance of June 2, 1896.*)

§ 256. (4) IMPROVED STREETS — OBSTRUCTING — PENALTY.—That it shall be unlawful for any owner or occupant of property on improved streets in the city to suffer or permit the sidewalks, gutters or streets in front of or abutting thereon, for at least six feet from the curbstone, to become blocked or obstructed by weeds, grass, dirt, or any other thing, or by any filthy or obnoxious substances, and any person so offending shall, upon conviction, be fined by the Police Judge in any sum not exceeding fifteen dollars.

§ 257. (5) POLES, ETC.—ERECTED WITHOUT AUTHORITY — PENALTY.—All ordinances in conflict herewith are hereby repealed. [That it shall be unlawful for any firm, corporation or person to wantonly, maliciously or carelessly erect any pole or poles, or string any wire or wires, in, over, under or above any of the public streets, alleys, ways and places of and in the City of Newport, Ky., without the right and authority of the General Council of the City of Newport being first obtained, and upon conviction thereof such person, firm or corporation shall be fined by the Police Judge in any sum not in excess of fifteen dollars.] (*Words in brackets added by amendment by ordinance of July 3, 1905.*)

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An Ordinance to protect the public buildings and grounds in the City of Newport, Ky. (Approved April 9, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 258. (1) PUBLIC BUILDINGS — LOITERING ABOUT.—That it shall be unlawful for any person or persons to congregate or loiter around on or in any of the public buildings or grounds of the City of Newport, or to tramp upon or tread upon the grass plots con-

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§§ 259—261. Offenses—Property Protected—Sign Boards.

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nected with any of the public buildings in said city; or in any manner injure or deface, soil or dirty any of the public buildings of said city. (*See Section 242.*)

§ 259. (2) PENALTY.—Any person or persons violating any of the provisions of Section 1 of this ordinance shall be fined in any sum not exceeding fifteen (\$15) dollars and costs of prosecution.

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An Ordinance to protect the public landing of the City of Newport, Ky.

(Approved March 5, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 260. (1) PUBLIC LANDING — OBSTRUCTING — PENALTY.—That no person shall be permitted to encumber or obstruct any part of the public landing, esplanade or common of the City of Newport, situated between the east line of Monmouth street and the west line of Central avenue, and between First street and the Ohio river, and the landing at the foot of Washington avenue, with lumber, stone, brick, carts, drays, wagons, wood or other articles for a longer time than five days; and any person so offending shall, upon conviction in the police court, be fined in any sum not exceeding ten dollars and costs for each and every day the said landing, esplanade or common shall be so encumbered and obstructed.

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An Ordinance regulating sign-boards and business signs. (Approved November 10, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 261. (1) SIGN-BOARDS — HOW PLACED.—That it shall be unlawful to have suspended from any building, or extended from any building or property, a sign-board or business sign at a less altitude than eight feet from the sidewalk and three feet from the property line.

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§§ 262—265. Resisting Officers—Second-hand Dealers.

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§ 262. (2) PENALTY.—Any person violating the provisions of this ordinance shall, on conviction, be fined in any sum not less than three dollars nor more than ten dollars.

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An Ordinance to protect officers in the discharge of their duties. (Approved March 5, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 263. (1) OFFICERS — RESISTING — PENALTY.—That any person who shall willfully resist or obstruct any police or other peace officer in the City of Newport in the discharge of his duties shall, on conviction in the police court, be fined in any sum not less than ten dollars, nor more than thirty dollars and costs of prosecution.

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An Ordinance to require all dealers in rags, junk, old iron and other metals, and second-hand wares and merchandise, to report daily to the Chief of Police a list of all articles bought by them and the names of the persons from whom bought. (Approved January 9, 1895)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 264. (1) SECOND-HAND DEALERS — REPORTS.—That all persons dealing in rags, junk, old iron and other metals, and second-hand wares and merchandise, are hereby required to report to the Chief of Police daily a list of all articles bought by them and the names of the persons from whom bought.

§ 265. (2) PENALTY.—Any person failing to make the report required in Section 1 of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars nor more than fifteen dollars and costs of prosecution.

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§§ 266—269. Offenses—Shade Trees—Shooting.

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An Ordinance to protect shade trees and boxes around same in the City of Newport, Ky., and prescribing a punishment for injuring or destroying same. (Approved June 4, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 266. (1) SHADE TREES—INJURY OF—PENALTY.—That it shall be unlawful to injure or mutilate shade trees or boxes around the same in the City of Newport; and whoever, not being the owner thereof or having authority therefrom, that shall injure, mutilate or destroy any shade tree or box around same in said city shall be guilty of a misdemeanor, and upon conviction shall be fined not less than three dollars nor more than fifteen dollars.

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An Ordinance to prohibit the use of catapults, rubber slings, flobert rifles, bird-shooters and other dangerous projectiles. (Approved March 16, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 267. (1) CATAPULTS, ETC.—SHOOTING.—That it shall be unlawful for any person to shoot out of, or throw from, a catapult or rubber sling-shot, stones or any other substances, or to shoot any flobert rifle, bird-shooter, or any other dangerous implement, projectile or toy, or to have any of said catapults, rubber slings, flobert rifles, bird-shooters or dangerous toys within the limits of the City of Newport.

§ 268. (2) EVIDENCE.—The possession of any of the said rubber slings, catapults, flobert rifles, bird-shooters or dangerous toys shall be *prima facie* proof of the intent to use same in violation of this ordinance.

§ 269. (3) PENALTY.—Any person convicted of violating this ordinance shall be fined in any sum not less than two (\$2) dollars nor more than ten (\$10) dollars and costs of prosecution.

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§§ 270—272. Offenses—Shooting—Speed Limits.

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An Ordinance to prohibit the discharge of firearms and fireworks in the City of Newport, Ky. (Approved March 16, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 270. (1) FIREARMS — SHOOTING — PENALTY.—That any person or persons burning or shooting fire-crackers or shooting-crackers, cannon-crackers, dynamite or nitro-glycerine crackers or explosives, or any person or persons sporting with or firing guns, pistols, cannons, squibs, or any description whatever of guns, firearms or fireworks in said city, shall, upon conviction of same, be fined in any sum not exceeding five dollars and costs of prosecution in the police court of said city.

§ 271. (2) INFANT, OFFENDING.—If the person so offending shall be of very young and tender years, he shall be reprimanded, and if again convicted, the parent, guardian or custodian of said infant shall be required to pay the fine and costs, and in default of payment the infant so offending shall be committed to jail, as provided for other offenders.

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An Ordinance regulating the speed of automobiles propelled by steam, electricity or other means, within the corporate limits of the City of Newport, Ky. (Approved March 21, 1904.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 272. (1) AUTOMOBILES — SPEED — GONGS.—That all automobiles, operated and propelled by steam, electricity or other means, by any person, corporation or company, within the corporate limits of the City of Newport, shall so run or be propelled at a rate of speed not to exceed eight miles per hour; but said automobiles shall slacken their speed upon approaching any and all street crossings, and all said automobiles shall be equipped with gongs or horns, and same shall be sounded to give timely warning to pedestrians and all others who may be upon the street or approaching aforesaid crossings.

**§§ 273—276. Offenses—Speed Limits.**

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§ 273. (2) PENALTY.—Any person, corporation or company, or employee thereof, violating the provisions of Section 1, shall be fined by the city police court in the sum of not less than twenty nor more than fifty dollars for each violation of this ordinance. Any ordinance or part of ordinance in conflict herewith is hereby repealed.

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An Ordinance regulating the rate of speed of street cars, propelled by steam, electricity or other means, within the corporate limits of the City of Newport, Ky. (Approved March 21, 1904.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 274. (1) STEAM CARS, ETC.—SPEED — GONGS.—That all street cars, operated and propelled by steam, electricity or other means within the corporate limits of the City of Newport, shall so run or be propelled at a rate of speed not to exceed twelve miles per hour; but said cars shall slacken their speed upon approaching any and all street crossings, and all said cars shall be equipped with gongs, and same shall be sounded to give timely warning to pedestrians and all others who may be upon the street or approaching aforesaid crossings.

§ 275. (2) PENALTY.—Any person, corporation or company, or employee thereof, violating the provisions of Section 1 shall be fined by the city police court in the sum of not less than twenty nor more than fifty dollars for each violation of this ordinance. Any ordinance or part of ordinance in conflict herewith is hereby repealed.

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An Ordinance to prohibit fast driving. (Approved March 5, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 276. (1) DRIVING — SPEED — PENALTY.—That no person or persons shall be allowed to drive or ride any horse or horses, mule or mules, or any other animal, through or along any street,

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§§ 277—279. Offenses—Storage—Punishments.

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alley or common in the City of Newport at a rate to exceed six miles per hour, and any one so offending shall, upon conviction in the police court, be fined in any sum not less than two nor more than ten dollars and costs of prosecution for each and every offense.

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An Ordinance to regulate the storage of refined coal oil, gasoline and benzine within the corporate limits of the City of Newport, Ky. (Approved May 17, 1898.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 277. (1) COAL OIL, ETC.—STORAGE OF.—That it shall be unlawful for any person or persons to have, keep for sale, or store in any place or building within the corporate limits of the City of Newport, any refined coal oil, gasoline or benzine exceeding two barrels, or ninety-six (96) gallons, except same shall be stored in a properly ventilated building, which shall be detached at least thirty (30) feet from any other building, and the outer walls of said building shall be of stone, brick and mortar or iron, and so constructed as to prevent the overflow of its contents beyond the premises where it may be stored. Said oil not to be stored above the first floor of any such building, and no fire, heat or light shall be permitted upon such premises.

§ 278. (2) PENALTY.—Any person violating any of the provisions of this ordinance shall, on conviction in the city police court, be fined twenty-five dollars for each offense, and ten dollars for each day's continuance of same, and costs of prosecution.

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An Ordinance concerning costs in the police court of the City of Newport, Ky. (Approved February 11, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 279. (1) COSTS IN POLICE COURT.—That the Judge of the police court of the City of Newport shall assess as costs in each

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§§ 280—281. Offenses—Punishments.

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case the same amounts for the same services as are allowed for the officers and magistrates by general laws of the State, not in the aggregate, however, exceeding the sum of three (\$3) dollars in each case, and said costs shall be, if not paid, worked out in the city jail or workhouse, the same as if they were part of the fine.

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An Ordinance concerning fines in the City of Newport, Ky. (Approved February 7, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 280. (1) FINES IN POLICE COURT.—That in default of the payment of fines imposed in the police court, the person against whom fines are imposed shall be incarcerated in the city jail or workhouse, and be required to work said fine out at the rate of fifty cents per day, and costs imposed in each case shall be and constitute a part of the fine, and in default of payment of same shall be so worked out at the rate of fifty cents per day.

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An Ordinance concerning punishments in the City of Newport, Ky. (Approved March 5, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 281. (1) PUNISHMENTS IN POLICE COURT.—That it shall be lawful for the Police Judge of the City of Newport, in his discretion, to order, as a part of the punishment of any one convicted in the police court for a violation of the penal ordinances of said city, that said person so convicted shall be fed on bread and water only, during the term of said person's imprisonment. Said order shall be made a part of the judgment, and shall be expressed on the commitment.

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§§ 282—284. Officers—Bonds.

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## OFFICERS AND EMPLOYEES.

### (a) GENERAL PROVISIONS.

An Ordinance concerning bonds of city officers, agents and employees, and all others required to give bond to the city. (Approved January 10, 1902.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 282. (1) BONDS — RENEWAL.—That all officers, agents or employees of the City of Newport, or any of its departments, and all persons who are or may by law be required to execute bond to the City of Newport, shall renew the same annually. If the surety on such bond be a guarantee or indemnity company authorized to do business in the State, a renewal receipt shall be considered as a renewal of the bond.

§ 283. (2) SURETY — QUALIFICATIONS OF.—Individuals offering to become surety on such bonds must be residents of Campbell county, and have property in Campbell county, Kentucky, subject to execution over and above all their indebtedness, of the assessed value for State taxation of double the penal amount of the bond in which they offer to become surety. They shall in writing, and under oath, answer the following questions, to-wit:

First — Where do you reside?

Second — What property do you own in Campbell County subject to execution?

Third — What is it assessed at for State taxation?

Fourth — What is the total amount of all your liabilities?

The questions and answers shall be attached to the bond.

§ 284. (3) RECORD.—The City Auditor shall keep a correct record of the dates of all bonds mentioned herein, and shall immediately report in writing to the Mayor and General Council any and all such bonds that shall not be renewed as herein required.

**§§ 285—287. Officers—Elections—Successors.**

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An Ordinance relating to elections in the City of Newport, Ky. (Approved January 4, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 285. (1) ELECTIONS — CERTIFICATES OF.**—That whenever an election is held in the City of Newport under the general election law of the State for any municipal office of said city, after a certificate of the vote cast at said election shall have been returned to and certified to the General Council, the said General Council shall, in each branch thereof, by resolution order certificates of election to the person or persons receiving the highest number of votes for each office or offices, and the Mayor shall thereupon issue a certificate of election to the said person or persons so entitled, except in case of an election for Mayor to fill a vacancy in the office of Mayor, when the said certificate shall be issued by the President of the Board of Aldermen, or in the absence from the city, or inability of said President of the Board of Aldermen to act, by the President of the Board of Councilmen; *provided, however,* that each branch of the General Council shall be the judge of and determine the qualifications of its members.

**§ 286. (2) CERTIFICATES — WHEN ISSUED — OFFICERS TO QUALIFY.**—The certificates herein provided for shall be issued within ten days after the passage of the resolution as to the persons entitled, and the persons to whom certificates of election are issued shall, within thirty days after the issual of same, qualify and take the oath of office, as required by law and according to the form prescribed by the ordinances of said City of Newport.

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An Ordinance relating to the officers of the City of Newport, Ky. (Approved March 5, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 287. (1) OFFICERS — DELIVERY OF BOOKS, ETC., TO SUCCESSOR — PENALTY.**—That any person who now holds, has held,

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§§ 288—289. Officers—Collections, Oaths.

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or may hereafter hold, any office or employment under the laws and ordinances governing the City of Newport, that shall fail or refuse to deliver to his successor in office, or employment or position, any of his books, papers, keys, buildings, or other property of the City of Newport, upon the same being demanded by his successor in office or employment, or shall obstruct or prevent in any manner the person appointed or elected as his successor in assuming or performing the duties of the office to which he is appointed or elected, he shall, upon conviction in the police court, be fined in any sum not less than five nor more than fifteen dollars and costs of prosecution; and each day that the property is retained or interference continued shall be deemed a separate offense, and shall be prosecuted accordingly.

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An Ordinance prescribing the times when the Wharfmaster, Marketmaster, Chief of Police, Delinquent Tax Collector and City Attorney shall report and pay in moneys collected by them. (Approved December 21, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 288. (1) OFFICERS — MONEYS COLLECTED BY — TIME OF PAYMENT.—That the Wharfmaster, Marketmaster, Chief of Police, Delinquent Tax Collector, and City Attorney of the City of Newport, shall each of them pay in to the City Treasurer all moneys collected by them on and inclusive to each first and fifteenth day of each month, and when either of said days shall fall on a Sunday or legal holiday, they shall report and pay in to said Treasurer on the preceding day.

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An Ordinance pertaining to oaths of the officers of the City of Newport, Ky.  
(Approved May 16, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 289. (1) OATHS OF OFFICERS REQUIRED.—That all officers of the City of Newport shall, before beginning the discharge of

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§ 290. Officers—Oaths.

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their several duties, take an oath to faithfully discharge same, and an official record shall be made of that fact; in the case of legislative officers, on the journal of the body to which they were elected; in the case of appointive officers, on the journal of the body by which they were confirmed, and other elective officers by the Auditor recorded in a book to be kept for the purpose, and by him reported to the General Council.

§ 290. (2) OATH — FORM OF.—The following shall be the form of oath to be taken by all elective officers of the City of Newport to the legislative offices of said city: “I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute to the best of my ability the office of \_\_\_\_\_ according to law; and I do further solemnly swear that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as a second in carrying a challenge, nor aided or assisted any person thus offending; and I do further solemnly swear (or affirm) that I do not hold any other civil office, that I am not the agent, employee or attorney of any railroad company or street railway company, that I am not, directly or indirectly, interested in any contract with the city or any application therefor, that I am not in arrears to the city for money or property held or collected, that I do not hold any office or employment in any company or corporation which has or is an applicant for any contract with the city, and that I know of no reason, according to law and the charter for cities of the second class, that renders me ineligible to the office of \_\_\_\_\_; to all of which I solemnly swear (or affirm), so help me God.”

All other elective officers and all appointive officers of said city shall take the following oath: “I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and

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§ 291. Officers—Salaries.

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true to the Commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of \_\_\_\_\_ according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending; and I do further solemnly swear (or affirm) that I am not, directly or indirectly, interested in any contract with the city nor in any work done by the city, nor in furnishing supplies for the city or any of its institutions, nor in the sale of any property to or for the city, so help me God."

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An Ordinance fixing salaries of the various officers of the City of Newport, Ky., from and after the first Monday in January, 1900. (Approved November 1, 1899.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 291. (1) OFFICERS—SALARIES—MAYOR—CLERK—TREASURER—ATTORNEY—ASSESSOR—ENGINEER—JAILER.—That the salaries of the various officers of the City of Newport from and after the first Monday in January, 1900, shall be as follows: Mayor of said city shall receive as salary the sum of \$1,800 per annum, payable in monthly installments of \$150 each; City Clerk, \$1,920 per annum, payable in monthly installments of \$158.33 1-3 each; City Treasurer, \$2,000 per annum, payable in monthly installments of \$166.66 2-3 each; City Attorney, \$1,500 per annum, payable in monthly installments of \$125 each; City Assessor, \$800 per annum, payable in monthly installments of \$66.66 2-3 each; City Engineer, \$1,800 per annum, payable in monthly installments of \$150 each; City Jailer, the sum of fifty cents per day for keeping and dieting each city prisoner, and the sum of twenty-five cents for imprisoning and twenty-five cents for releasing each city pris-

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§§ 292—294. Officers—Employees' Wages—Assessor.

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oner, said sums of money to be paid to said jailer in lieu of salary, and to be paid in monthly warrants upon the city treasury.

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An Ordinance fixing the wages to be paid various employees of the City of Newport from and after the first day of January, 1904. (Approved November 18, 1903.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 292. (1) EMPLOYEES' SALARIES.—That from and after the first day of January, 1904, that there shall be paid by the City of Newport the following wages to the following employees, respectively:

To the foreman of the Street Cleaning and Repairing Department, \$60 per month.

To the stable foreman, \$60 per month.

To the sewer men, \$2 per day.

To the cart and wagon drivers, \$1.75 per day.

To all street hands and laborers, \$1.75 per day.

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(b) ASSESSOR.

An Ordinance providing for a bond to be given by the City Assessor of the City of Newport, Ky. (Approved December 21, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 293. (1) ASSESSOR — BOND.—That the City Assessor of the City of Newport, Ky., shall give a bond to said city, conditioned that he shall well and faithfully perform the duties of said office according to the charter for cities of the second class in Kentucky, and the laws and ordinances of said City of Newport.

§ 294. (2) SURETIES — QUALIFICATION.—The sureties of said bond shall not be less than two in number, and they shall be residents of the State of Kentucky, and they shall make oath that they are together worth not less than five thousand (\$5,000) dollars over and above their debts, exemptions and liabilities, and said bond shall be approved by the General Council.

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§§ 295—297. Officers—Assessor.

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An Ordinance concerning the office of Assessor in the City of Newport, Ky.

(Approved July 30, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 295. (1) ASSESSMENT INCREASED — NOTICE OF.—That whenever in any year the Assessor of the City of Newport assesses any real property in said city at a larger value than that of the year immediately previous, he shall notify the owner of same by mailing to him, to his or her address, if known, and if unknown, to the general delivery of the postoffice nearest the last known residence, a statement showing the number of the lot and the assessment of the previous year, of the year assessing and amount of increase.

§ 296. (2) ASSESSOR — BOOK TO BE KEPT BY.—The said Assessor shall, at the expense of the city, provide himself with a suitable book with stub attached, for the purpose of giving said notices. Said book shall show date, name of owner, number of lot, addition or plat in which same is located, amount assessed in previous year, amount assessed in year assessing and increase, and shall be signed by the Assessor or one of his deputies, which same shall also all be recorded in brief on the stub attached. The original shall be torn out and mailed to the owner as provided in Section 1 hereof, and same shall be mailed not later than thirty days before the first of January succeeding any assessment.

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An Ordinance providing for the retrospective assessment of omitted personal property, and of personal property erroneously and illegally assessed, and which property is subject to taxation by the City of Newport, Ky. (Approved February 14, 1899.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 297. (1) ASSESSMENT — RETROSPECTIVE.—That when the City Assessor or the City Board of Equalization shall ascertain that any personal property or other property liable for taxation

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§§ 298—299. Officers—Auditor.

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by the City of Newport, Ky., has been erroneously and illegally assessed or omitted from assessment in the past, or shall be erroneously and illegally assessed or omitted from assessment in the future by said Assessor or Board of Equalization, said property may be, when such omission or erroneous and illegal assessment is discovered and ascertained, and same is hereby ordered and directed to be assessed retrospectively by said Assessor or Board of Equalization for the year or years said omission or said erroneous and illegal assessment took place, and against the person, company or corporation, or other person which should have been assessed with it, if in being; if not, then against his, her, its or their representative.

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(c) AUDITOR.

An Ordinance in relation to the Auditor of the City of Newport, Ky., and fixing the amount of bond to be given by him for the faithful discharge of his duty. (Approved April 19, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 298. (1) AUDITOR—DUTIES—BOND.—That the Auditor of the City of Newport, Ky., shall perform such duties as are required and prescribed for him by the charter for cities of the second class, and he shall give bond, to be approved by the General Council, in the sum of \$20,000. This ordinance shall take effect and be in force from and after its passage.

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An Ordinance providing for a change in the method and number of times for advertising delinquent real estate tax bills. (Approved July 26, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 299. (1) AUDITOR—TO PUBLISH DELINQUENT TAX LIST.—That the Auditor of the City of Newport shall publish in the city's official paper the list of delinquent tax bills against realty, two

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§§ 300—301. Officers—Clerk.

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separate times, being one time each week for two weeks, instead of for two weeks, as provided in Section 14, Article VIII, [§ 3187, Kentucky Statutes,] of the charter for cities of the second class, entitled "An Act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894; and that all other matters providing for and concerning the publication of delinquent tax bills against realty shall remain the same as provided for in said Section 14 of Article VIII. of said charter.

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An Ordinance fixing the salary of the Auditor of the City of Newport, Ky.  
(Approved April 26, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 300. (1) AUDITOR — SALARY.—That the salary of the Auditor of the City of Newport shall be twelve hundred dollars per annum, payable in monthly installments of one hundred dollars each.

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(d) CLERK.

An Ordinance relating to supplies for the City of Newport, Ky. (Approved March 5, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 301. (1) CLERK—SUPPLIES—ORDERS FOR—HOW ISSUED.—That it shall be the duty of the City Clerk of said city to keep an order book with stubs attached, whence he shall issue orders to all parties furnishing supplies and material of any kind necessary for the use of said city before same are furnished, and that no claim for such shall be recognized by the General Council, unless accompanied by such order with receipt thereon of party receiving same attached, and be presented for payment within one month from the time said supplies or material is so furnished and

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§§ 302—307. Officers—Delinquent Tax Collector.

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ordered, otherwise such claims shall be deemed fraudulent, and payment therefor resisted.

§ 302. (2) ISSUED FOR CONTRACTS.—The said City Clerk shall issue said orders for all contracts made by Council to the extent of same as needed.

§ 303. (3) SUPPLIES — REQUISITION FOR.—That the chairman of each committee of the General Council shall make requisition on said clerk for such supplies and material ordered by the General Council, and said clerk, with the approval of the said chairman, may use his discretion in issuing said orders, and on whom, as the best interests of the city may require, but not, however, to exceed the annual estimates.

§ 304. (4) CLERK — EXTRA ALLOWANCE.—That said clerk be allowed one hundred dollars annually for his extra labor in carrying out the requirements of this ordinance.

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(e) DELINQUENT TAX COLLECTOR.

An Ordinance fixing rate of percentage to be paid Delinquent Tax Collector on personality bills and franchise bills of the City of Newport, Ky.  
(Approved December 30, 1898.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 305. (1) DELINQUENT TAX COLLECTOR — COMPENSATION — PERSONALITY.—That the Delinquent Tax Collector on personality bills of the City of Newport, Ky., shall receive as compensation the sum of twenty-five percentum on each dollar collected by him on all personality bills except franchise tax bills.

§ 306. (2) COMPENSATION — FRANCHISES.—That the said Delinquent Tax Collector on personality bills of the City of Newport, Ky., shall receive as compensation the sum of five percentum on each dollar collected by him on all franchise tax bills.

§ 307. (3) REPEALING CLAUSE.—The ordinance approved January 3, 1895, entitled "An Ordinance fixing the rate of per-

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§§ 308—309. Officers—Engineer, Jailer.

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centage to be paid Delinquent Tax Collector on personalty bills of the City of Newport," is hereby repealed.

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(f) ENGINEER.

An Ordinance relating to the City Civil Engineer of Newport, Ky.  
(Approved February 1, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 308. (1) ENGINEER — ACCOUNTS — OTHER DUTIES.—That the City Civil Engineer of Newport shall keep a set of books showing all items of expense and liabilities incurred by the city in and through his department of the city government, and said books shall be open at all times to the inspection of the Ways and Means Committees and Claims Committees of both branches of the General Council. He shall perform the city civil engineering of the city for all work necessary for the city, and to and connected with any of the property of the city, and shall keep an index of all plats and maps done for the city, which shall be the property of the city, and shall perform such other duty connected with his department as may be ordered by the proper authorities or the General Council from time to time.

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(g) JAILER.

An Ordinance providing for a bond to be given by the Jailer of the City of Newport, Ky., for the faithful performance of his duties. (Approved December 21, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 309. (1) JAILER — BOND.—That the Jailer of the City of Newport, Ky., shall give a bond conditioned that he will well and truly perform the duties of his said office, and hold and save the city harmless from any and all loss or losses it may sustain by

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§§ 310—311. Officers—Jailer.

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reason of any failure on his part to so perform the duties of the office of Jailer of said city.

§ 310. (2) SURETIES—QUALIFICATIONS.—There shall be not less than two sureties on said bond, and they shall all be residents of the State of Kentucky, and together be owners of real estate, over and above their debts, liabilities and exemptions, worth not less than one thousand (\$1,000) dollars, to which amount as to solvency they shall make oath.

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An Ordinance concerning the jail of the City of Newport, Ky. (Approved March 16, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 311. (1) JAILER—DUTIES.—That all persons convicted in the police court of the City of Newport shall be confined in the jail of the said city when not actually engaged in labor or at work in the workhouse of said city, and it shall be the duty of the City Jailer to exercise control over and guard carefully the city jail, and shall safely keep and securely confine and hold in custody such persons as shall be committed to said jail for confinement, subject, however, to the orders of competent authority; and he shall register in a book to be provided for the purpose, the date, name, age, sex, crime, and the time for which each person is committed. All persons (sick excepted) confined in said jail shall be caused to rise at a reasonable hour each morning, put their cells in order, wash themselves, and they shall be required by the Jailer to observe and maintain a strict compliance and obedience to the laws, ordinances, rules and regulations now existing or that may hereafter be adopted for the government of said jail, and special and scrupulous care and regard shall be exercised for the sanitary condition of said jail. The male and female prisoners shall be kept in cells separate and apart from each other, and likewise, so far as practicable, distinction shall be made between the ages and character of persons confined. No malt, vinous or spirituous

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§§ 312—315. Officers—Jail.

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liquors shall be allowed to any person confined in said jail, except upon order of a physician, and no person shall furnish same. No person shall be allowed to loiter around said jail. No gambling shall be allowed in said jail. The Jailer shall make frequent visits into and around said jail, and inspect all cells and prisoners frequently, to see that no person therein confined escapes therefrom.

§ 312. (2) STATION-HOUSE—NO PART OF JAIL.—The part of the jail set apart to and for a station-house shall be no part of the jail, but shall be under the supervision of the Chief of Police of the city and the police officers under him, and all persons arrested for violation of the ordinances shall be therein confined until after conviction, unless deemed dangerous, when they shall be confined in the jail by the Jailer upon delivery of the said person by the police officer to said Jailer.

§ 313. (3) JAILER TO RECEIVE NO PAY FOR PERSONS CONFINED IN STATION-HOUSE.—The Jailer shall not receive any pay for persons confined in the station-house, except when ordered to be confined in the jail as provided in Section 2.

§ 314. (4) PENALTY.—Any person violating any of the provisions of this ordinance shall, upon conviction in the police court, be fined in any sum not exceeding fifty (\$50) dollars and costs of prosecution.

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An Ordinance prescribing and regulating the food and bill of fare to be given to prisoners confined in the jail of the City of Newport, Ky.  
(Approved March 26, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 315. (1) JAIL—BILL OF FARE.—That all prisoners confined in the jail of said city shall receive as food for breakfast and dinner of each day, respectively, the hereinafter named articles of diet only, to-wit: For the breakfast of each day as aforesaid, one pan of coffee and a half loaf of bread, the coffee to contain neither sugar nor milk, and the bread to be without butter; and for the

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§§ 316—320. Officers—Night Jail Guard.

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dinner of each day as aforesaid, bean, barley or rice soup, to be served on alternate days, together with eight ounces of fresh beef boiled in said soup, and one piece of corn bread four by six inches in size; said prisoners are to receive as much of said soup, be it bean, barley or rice, as they may desire, and on special occasions, such as holidays, noodle soup may be substituted in lieu of either of the other kinds, and no additional allowance than as herein provided shall be made to any prisoner confined in said jail except to those who may be required to perform manual labor in or out of said jail.

§ 316. (2) JAIL—MEALS.—That but two meals per day shall be allowed in said jail, which shall be the meals as prescribed and regulated in the foregoing section. The said breakfast to be served at 8 o'clock A. M. and the said dinner at 2 o'clock P. M. of each day as aforesaid.

§ 317. (3) PENALTY.—That the Jailer of said city, or any other person in anywise violating any of the provisions of this ordinance, shall, upon conviction in the police court, be fined in any sum not exceeding twenty-five (\$25) dollars and costs of prosecution.

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An Ordinance creating the office of Night Jail Guard, fixing his salary and prescribing his duties. (Approved February 21, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 318. (1) NIGHT JAIL GUARD—TERM.—That the office of Night Jail Guard be, and the same is hereby created, and the term of office of same shall begin on the first Monday in January each year.

§ 319. (2) ELECTION—SALARY.—That the Night Jail Guard shall be elected by the General Council in joint session, as provided by the charter of cities of the second class, and shall receive the same pay as the police patrolmen of said city.

§ 320. (3) DUTIES.—Said Night Jail Guard shall act as and for the jailer at night and in the absence of the jailer, and be

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**§§ 321—323. Officers—Janitor.**

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subject to the control of the jailer, and subject to removal at any time by the said General Council.

§ 321. (4) **BOND.**— Said Night Jail Guard shall give a bond to the City of Newport, with good and approved securities, conditioned, in the sum of one thousand dollars, for the proper and efficient discharge of his duties.

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**(h) JANITOR.**

An Ordinance creating the position of Janitor for the new City Building of the City of Newport, Ky., and further prescribing the manner and time of election, defining his duties and fixing his salary. (Approved May 24, 1901.)

*Be it ordained by the General Council of the City of Newport, Ky*

§ 322. (1) **JANITOR—ELECTION—TERM.**—That the position of Janitor for the Newport, Ky., City Building be, and the same is hereby created. Said Janitor shall be elected by the General Council in joint session in the month of May each year, and shall hold his position for the term of one year thereafter, said term to commence on the first Monday in June of each year.

§ 323. (2) **JANITOR—DUTIES.**—It shall be the duty of said Janitor to keep the Council chamber and court rooms and Armory hall, and all the offices of all the city officers located in said building, and all the rooms, halls and stairways of said building, excepting the jail proper and the apartments of the jailer, clean and in good order. Also the furniture and fixtures thereof, together with the urinal and water closets of said building. And during the meeting of either or both Boards of the General Council or committees of either Board, and during the session of the several courts, he shall keep the room or rooms so used well warmed and lighted and aired, as the occasion may require. And he shall at all times have supervising care of said building and said furniture and property therein. He shall also tend and operate the furnace or other heating apparatus so as to keep said building properly

**§§ 324—327. Police Judge—Police and Fire Commissioners.**

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warmed. He shall further keep in good order passageways to said building, and the grounds around said building.

§ 324. (3) **SALARY.**—Said Janitor shall be paid for said services the sum of fifty dollars per month, payable monthly.

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(i) **POLICE JUDGE.**

An Ordinance fixing the salary of the Judge of the Police Court of the City of Newport, Ky. (Approved March 31, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 325. (1) **POLICE JUDGE—SALARY.**—That the salary of the Judge of the Police Court of the City of Newport be, and the same is hereby fixed at the sum of six hundred dollars per year.

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(j) **POLICE AND FIRE COMMISSIONERS.**

An Ordinance fixing salary of the Police and Fire Commissioners of the City of Newport, Ky. (Approved April 19, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 326. (1) **POLICE AND FIRE COMMISSIONERS — SALARY.**—That the salaries of the Police and Fire Commissioners of the City of Newport shall be fifty-two dollars each per annum, payable in monthly installments of \$4.33 50-100 each.

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An Ordinance fixing the amount of bond to be given by members of the police force of Newport, Ky. (Approved June 4, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 327. (1) **POLICEMEN — BOND.**—That each member of the police force of Newport, Ky., shall, before beginning the discharge of his duty as such, give bond for the faithful discharge

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§§ 334—336. Officers—Treasurer.

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City of Newport, Ky., shall be twelve hundred dollars per annum, payable in monthly installments of one hundred dollars each.

§ 334. (2) REPEALING CLAUSE.—That all ordinances in conflict with this are hereby repealed.

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(m) TREASURER.

An Ordinance providing for and requiring a bond from the City Treasurer of the City of Newport, Ky. (Approved December 21, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 335. (1) TREASURER—BOND.—That the City Treasurer of the City of Newport, Ky., shall give a bond to the said city, conditioned that he shall well and faithfully perform the duties of the office of City Treasurer of said city as may be required of him by virtue of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An Act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, and according to laws and ordinances of said City of Newport.

§ 336. (2) SURETIES.—The said bond of the City Treasurer shall have as sureties on same not less than two persons, who shall be residents of the State of Kentucky, and the said sureties shall make oath that they are worth together not less than one hundred thousand (\$100,000) dollars in real estate over and above all their debts and liabilities and exemptions, and said bond shall be approved by the General Council. [Provided, however, that any fidelity or guarantee company authorized and empowered to insure the fidelity of persons may become and be accepted as sole surety upon the bond herein provided for, in lieu of individual sureties.] (*Words in brackets added by amendment by ordinance of February 7, 1900.*)

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§§ 337—340. Poor—Overseer.

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An Ordinance providing for the execution of a bond by the City Depository, and fixing the amount thereof. (Approved December 18, 1903.)

*Repealed Jan 1 1904*

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 337. (1) CITY DEPOSITORY — BOND.—That the bank in the City of Newport which shall be selected as the city depository shall, before the city funds shall be deposited with it, execute a bond in the sum of one hundred thousand (\$100,000) dollars, with sureties, to be approved by the General Council, for the faithful care and payment of all funds intrusted to it.

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POOR.

An Ordinance creating the office of Overseer of the Poor for the City of Newport, and further prescribing the manner and time of his election, his duties, etc., and the mode and manner of his granting relief to the poor of the city. (Approved February 10, 1897.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 338. (1) OVERSEER OF THE POOR — ELECTION -- TERMS.—That the office of Overseer of the Poor for the City of Newport be, and the same is hereby created. Said Overseer shall be elected by the General Council in joint session in the month of February in each year, and hold his office for the term of one year thereafter, said term commencing on the first Monday of March 1897.

§ 339. (2) DUTIES — SALARY.—The said Overseer shall perform the duties which have heretofore devolved on the Committee on Poor, relative to the relieving of said poor, and he shall receive as compensation for his services the sum of six hundred dollars per annum, payable in equal monthly installments.\*

§ 340. (3) APPLICATION FOR RELIEF.—That hereafter no re-

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\* NOTE.—The Overseer of the Poor receives for the present term \$900 per annum, by resolution of the General Council in joint session fixing salary, passed just before his election.

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§§ 341—344. Poor—Overseer.

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lief shall be granted to any indigent person or persons in the city or from the funds of the city, except by and through said Overseer, to whom all applications for relief must be made directly, or indirectly through some member of the General Council, whose duty it shall be on the reception of all such applications, to make a thorough and rigid examination of the applicants, their residence and general condition, pecuniary and otherwise, and he shall be fully satisfied that the application is meritorious and the applicant in need of the relief solicited before he grants the same.

§ 341. (4) RELIEF, REGULATION CONCERNING.—That no relief shall be granted to any person whomsoever from the first day of May until the first day of October, inclusive, of each year, and that every person to be recognized as a *bona fide* resident by said Overseer must produce to him the most positive proof that they have resided in the city for at least one year next preceding the application; *provided always*, that the General Council may grant such relief at any time of necessity.

§ 342. (5) CERTIFICATES—FORM OF.—The said Overseer shall, after having ascertained that an application is meritorious, issue the certificate to the City Clerk, in writing, specifying therein the amount of relief which the applicant is to receive, and also the following facts, viz.: The name and age of the person requiring public relief; the time of his or her residence in the city, and place of same; whether single or married, if married, name, age and sex of children, and trade or occupation, whereupon the City Clerk shall issue the applicant an order for the amount designated in the certificate of the Overseer.

§ 343. (6) RECORD TO BE KEPT.—The said Overseer shall, in a book provided for that purpose, keep a record of all applications, the name, age, sex, etc., of the applicants, with the amount allowed to each, and he shall, the first of every month, render to the General Council a statistical report of the persons so relieved and the relief granted.

§ 344. (7) TO PERFORM DUTIES OF SANITARY OFFICER.—That it shall also be the duty of said Overseer to act as and per-

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§§ 345—347. Poor—Physicians, District.

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form the duties of a sanitary officer for said city, which now or hereafter may be required of him by law, and to obey and be subject to the orders of the Board of Health and Health Officer of such city.

§ 345. (8) OATH—BOND.—That the said Overseer, before he enters upon the duties of his office, shall take oath that he will well and truly perform the same according to law, and shall further give bond with sureties to be approved by the General Council for the faithful performance of his duties as herein required.

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An Ordinance providing for and concerning the poor of the City of Newport, Ky., requiring medical attention. (Approved November 25, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 346. (1) POOR—DISTRICTS DEFINED.—That the City of Newport shall be divided into three districts, in which the poor of said city requiring medical attention shall be served, and said districts shall be as follows: The First District shall be all that part of the city lying east of the center of York street; the Second District shall be all that part of the city lying west of the center of York street and north of the center of Seventh street; the Third District shall be all that part of the city lying west of the center of York street and south of the center of Seventh street.

§ 347. (2) DISTRICT PHYSICIANS—APPOINTMENT—DUTIES.—There shall be appointed annually by the Board of Health of the City of Newport, organized pursuant to the State law, a physician in each of said districts, whose duty it shall be to look after, visit and prescribe for all of the poor in each of said districts that shall require medical attention, whenever called upon. Said physicians so appointed, who shall be known as District Physicians, shall be under the control of the Health Officer of the City, subject to such rules and regulations as the Board of Health may adopt. The said District Physicians shall keep a record of all persons who are charity patients, visited by them, and shall make a weekly report

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§§ 348—352. Poor—Provisions for Medicine.

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of all work done by them to the Board of Health, and shall report to the General Council whenever so desired.

§ 348. (3) DISTRICT PHYSICIAN — SENDING PATIENTS TO HOSPITAL.—Whenever a District Physician shall deem it necessary to send a charity patient to a hospital, he shall notify the Health Officer, when the said patient shall be visited by the Health Officer and the Relief Committee of the General Council, and if in the judgment of said Health Officer and Relief Committee said patient should be sent to the hospital, he shall be so sent.

§ 349. (4) DISTRICT PHYSICIAN — REMOVAL.—The Board of Health shall have the right at any time to remove any District Physician and appoint another in his place for cause shown to them, and said Board of Health shall be the sole judges of whether or not good cause has been shown.

§ 350. (5) DISTRICT PHYSICIANS — PRESCRIPTIONS — RECORD.—The District Physicians shall place upon each prescription given by them to charity patients the name, age and residence of said patient, and shall keep a copy of said prescription, which shall be furnished to the Board of Health or General Council at any time desired by either.

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Resolution fixing salaries of District Physicians and ratifying same.

(Approved March 30, 1904.)

*Resolved by the General Council of the City of Newport, Ky.*

§ 351. DISTRICT PHYSICIANS—SALARY.—That the salary of the District Physician be fixed at \$300 per annum, payable monthly.

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An Ordinance providing for the manner of purchasing and distributing medicines for the outdoor poor, and directing report of said distribution by the Health Officer. (Approved January 10, 1901.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 352. (1) POOR—MEDICINES—HOW FURNISHED.—That all medicinal tablets, medicine not in tablet form, and all articles not

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**§§ 353—356. Public Work—Home Labor.**

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strictly medicines and termed "extras" shall be furnished annually by contract let by advertisement and the receiving of bids for same.

§ 353. (2) MEDICINES—DISTRIBUTION.—Said medicinal tablets and medicines not in tablet form furnished as aforesaid shall be delivered as required to the Health Officer of the City of Newport, and he shall distribute same to the District Physicians of the City of Newport as needed by them, and all extras furnished as aforesaid shall be delivered to the person demanding same only upon the written order of the said Health Officer.

§ 354. (3) HEALTH OFFICER TO KEEP RECORD.—The said Health Officer shall keep a record of the distribution of said medicinal tablets and medicines not in tablet form, and a record of all extras furnished upon his order, and shall make monthly reports of same to the General Council.

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## PUBLIC WORK.

An Ordinance providing for the protection and employment of home labor in and upon all public work and improvements awarded under contract by the City of Newport. (Approved March 2, 1898.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 355. (1) HOME LABOR ON PUBLIC WORK.—That in all plans and specifications and bids for proposals for the doing of any public work or improvements for and on behalf of the City of Newport, and in all contracts awarded by said city upon such plans and specifications or bids, there shall be inserted and made a part of same, a provision requiring the successful bidder and contractor thereunder employing union labor, to give preference at all times to such labor that is resident in said city when practicable. (*Section as amended by ordinance of March 23, 1898.*)

§ 356. (2) LABOR—BOND OF CONTRACTOR TO SECURE WAGES.—That in all bonds given by any such contractor to said city to

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§§ 357—359. Sewers—Districts.

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secure the faithful performance of such contract, there shall be inserted an obligation conditioned that the contractor shall be liable for and pay all wages and earnings due to and on account of labor employed by and furnished to such contractor in or upon the said work or improvements embraced by the contract.

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Joint Resolution. (Approved August 6, 1902.)

§ 357. PUBLIC IMPROVEMENT—BIDDERS—CERTIFIED CHECK WITH BID.—*Be it Resolved*, That from and after the passage of this resolution, bidders for any public improvement are required to furnish with their respective bids a certified check representing at least 5 per cent. of the total amount of their bid, as a guarantee that they will enter into a contract with the City of Newport with good and approved securities within ten days after the contract be awarded them by said city.

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## SEWERS.

An Ordinance dividing the City of Newport, Ky., into sewerage districts, and describing their boundaries. (Passed May 19, 1892.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

§ 358. (1) SEWER DISTRICTS.—That the City of Newport be and the same is hereby divided into sewerage districts pursuant to an act entitled "An act to provide for sewerage in the City of Newport," approved April 16, 1890. (*See Sewer Act, page 168, and Note.*)

§ 359. (2) BOUNDARIES.—That said districts shall consist of and be five in number, to be known as Districts "A," "B," "C," "D" and "E," and shall be bounded and described as follows:

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§ 359. Sewers—District A.

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## BOUNDARY OF DISTRICT "A."

Beginning at the Ohio river and the northeast corner of the Newport Manufacturing Company's addition; thence with the eastern line of said addition, southeastwardly to the southeast corner of said addition; thence southwardly along the east corporation line and parallel with Washington avenue, to the southeastern corner of the corporation; then with the south corporation line westwardly to where the center line of an alley 120 feet west of Park avenue, if extended southwardly, would intersect same; thence northwardly with the center of said alley if extended southwardly, and the center line of said alley to where same, if extended northwardly, would intersect the center line of Tenth street; thence eastwardly with the center line of Tenth street and Water Works avenue to where the same would intersect a line parallel with and 115 feet east of Park avenue; thence northwardly with said line parallel to Park avenue and 115 feet east of same, to center of Sixth street; thence westwardly with the center line of Sixth street to the center of Park avenue; thence northwardly with the center of Park avenue to a point where the north line of lot No. 168, Mansion Hill addition, if extended eastwardly, would intersect the same; thence with said line extended and the north line of Lot 168, Mansion Hill addition, westwardly to the center line of McIlvain alley; thence with the center of McIlvain alley, northwardly to where same extended would intersect the center line of Third street; thence with the center line of Third street, eastwardly to where the west line of Lot 212, Mansion Hill addition, if extended southwardly, would intersect same; thence with said line extended and the west line of Lot 212, Mansion Hill addition, northwardly to the north line of said lot No. 212; thence eastwardly by a line parallel with Second street to the center line of Park avenue; thence with the center line of Park avenue northwardly to where the same would intersect the center line of the alley along the northern boundary of Washington avenue addition, if extended eastwardly; thence with the center line of said alley extended and said alley westwardly to where the west line of lot

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**§§ 359. Sewers—District B.**

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No. 16, Newport Manufacturing Company's addition, if extended southwardly would intersect same; thence by said line if extended, and the said west line of lot No. 16, Newport Manufacturing Company's addition, northwardly and extended across First street and to the Ohio river; thence eastwardly along the Ohio river to the place of beginning.

**BOUNDARY OF DISTRICT "B."**

Commencing at the Ohio river at the northwest corner of Sewerage District "A"; thence southwardly with the west line of lot No. 16, Newport Manufacturing Company's addition, extended, and with the west line of said lot No. 16, Newport Manufacturing Company's addition, to where the same, if extended southwardly, would intersect the center line of the alley along the northern boundary of Washington Avenue addition; thence with the center line of said alley eastwardly to where same, if extended, would intersect the center line of Park avenue; thence with the center line of Park avenue southwardly to where the north line of lot No. 212, Mansion Hill addition, if extended eastwardly parallel with Second street, would intersect same; thence westwardly with said line extended and the north line of lot No. 212, Mansion Hill addition, to the west line of said lot; thence with the west line of said lot southwardly to where same, if extended, would intersect the center line of Third street; thence with the center line of Third street westwardly to where the center line of McIlvain alley, if extended northwardly, would intersect same; thence southwardly with the center line of McIlvain alley extended and the center line of McIlvain alley to where the north line of lot No. 168, Mansion Hill addition, if extended westwardly, would intersect same; thence with said line extended and the north line of said lot No. 168 extended eastwardly to the center line of Park avenue; thence with the center line of Park avenue southwardly to the center of Sixth street; thence eastwardly with the center of Sixth street to where a line parallel to and 115 feet east of Park avenue, if extended northwardly, would intersect same; thence with said

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**§ 359. Sewers—District B.**

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line southwardly to the center of Water Works avenue; thence with the center of Water Works avenue and Tenth street westwardly to a point where the center line of an alley 120 feet west of Park avenue, if extended northwardly, would intersect same; thence with said line as extended and with the center line of said alley extended southwardly, to the south corporation line; thence westwardly along the said corporation line to where the west line of lot No. 186, Turnpike addition, if extended southwardly, would intersect same; thence northwardly with said line extended and the west line of lot No. 186, Turnpike addition, extended to the center of Eleventh street; thence with the center line of Eleventh street westwardly to where the center line of Weingartner alley, if extended southwardly, would intersect same; thence with said line as extended and the center line of Weingartner alley northwardly to the center line of Tenth street; thence eastwardly with the center line of Tenth street to where the west line of lot No. 151, Turnpike addition, if extended southwardly, would intersect same; thence with said line extended and the west line of Lot 151 extended northwardly to the center of Stone alley; thence with the center of Stone alley westwardly to the center of Mary alley; thence with the center line of Mary alley and Robert street northwardly to a point where a line parallel to and 62 feet north of Eighth street, if extended eastwardly, would intersect same; thence with said line westwardly to a point 90 feet west of Robert street; thence with said line parallel to Robert street northwardly to the south line of Tapking alley; thence westwardly with said south line of Tapking alley extended to a point 90 feet west of Saratoga street; thence by a line parallel to Saratoga street southwardly to a point 150 feet south of Seventh street; thence westwardly parallel with Seventh street to a point 90 feet west of Dayton street; thence southwardly parallel to Monmouth street, to a point 67 feet north of Eighth street; thence by a line parallel to Eighth street and extending westwardly to the center of Monmouth street; thence southwardly with the center of Monmouth street one (1) foot; thence westwardly parallel to Eighth street to the center of Orchard street; thence with the center of Orchard

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§ 359. Sewers—District C.

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street northwardly to the center of Sixth street; thence with the center line of Sixth street westwardly to a point where a line parallel to and 207 feet  $6\frac{1}{2}$  inches west of Monmouth street, if extended southwardly, would intersect same; thence with said line parallel to Monmouth street northwardly to the center of James alley; thence with the center of James alley eastwardly to where a line parallel to and 124 feet west of Monmouth street would intersect same; thence by said line northwardly to center of Fifth street; thence with center line of Fifth street westwardly to where the west line of lot No. 119, Original Plan, if extended southwardly, would intersect same; thence by said west line of lot No. 119, Original Plan, extended, and the west line of said lot No. 119 and the west line of lot No. 74, Original Plan, extended northwardly to the center line of Southgate street; thence westwardly with the center of Southgate street to where a line parallel to and 167 feet  $10\frac{1}{2}$  inches east of York street would intersect same; thence by said line northwardly to the center of Third street; thence westwardly along the center of Third street to where the center line of an alley 130 feet east of York street, if extended southwardly, would intersect same; thence by the center line of said alley northwardly to a point 124 feet 6 inches north of Third street; thence eastwardly parallel with Third street to a point 87 feet east of said alley; thence northwardly parallel to Monmouth street, 9 feet; thence eastwardly parallel to Third street, 45 feet; thence northwardly parallel with Monmouth street to center of Second street; thence westwardly with center of Second street to a point 202 feet east of York street; thence northwardly with a line parallel with York street, to the Ohio river; thence eastwardly along the Ohio river to the place of beginning.

## BOUNDARY OF DISTRICT "C."

Commencing at the Ohio river and the northwest corner of Sewerage District "B"; thence southwardly with a line parallel to and 202 feet east of York street to center of Second street; thence eastwardly with the center line of Second street to a point

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§ 359. Sewers—District C.

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272 feet east of York street; thence southwardly parallel with York street to a point 100 feet south of Second street; thence westwardly parallel with Second street, 45 feet; thence northwardly parallel to York street, 9 feet; thence westwardly parallel with Second street to center of an alley 130 feet east of York street; thence with the center of said alley extended northwardly to the center of Third street; thence eastwardly to a point 167 feet  $10\frac{1}{2}$  inches east of York street; thence southwardly from said point and parallel with York street to the center of Southgate street; thence with the center of Southgate street eastwardly to where the west line of lot No. 74, Original Plan, if extended, would intersect same; thence with said line extended and the west line of lots No. 74 and 119, Original Plan, southwardly to the center of Fifth street; thence with the center line of Fifth street eastwardly to a point 124 feet west of Monmouth street; thence southwardly with a line parallel to Monmouth street to the center of James alley; thence with the center of James alley westwardly to a point 207 feet  $6\frac{1}{2}$  inches west of Monmouth street; thence southwardly parallel with Monmouth street to the center line of Sixth street; thence eastwardly to where the center of Orchard street, if extended northwardly, would intersect same; thence southwardly with the center of Orchard street to the center line of Eighth street; thence with the center line of Eighth street westwardly to where the center line of Putnam street, if extended southwardly, would intersect same; thence with the center line of Putnam street, if extended northwardly, to a point 100 feet north of Eighth street; thence parallel to Eighth street westwardly to the center line of Columbia street; thence southwardly to where the north line of lots No. 555 and 556, Buena Vista addition, if extended eastwardly, would intersect same; thence with said line extended and the north line of lots No. 555 and 556, Buena Vista addition, westwardly to the center line of Ann street; thence northwardly with the center of Ann street to a point where the south line of lot No. 35, Mayo's Heirs addition, if extended eastwardly, would intersect the same; thence with said line extended and the south line of lot No. 35, Mayo's Heirs addition, westwardly to a

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§ 359. Sewers—District D.

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point 91 feet 6 inches west of Ann street; thence southwardly and parallel with Ann street, 29 feet; thence westwardly and parallel with Eighth street to the center of Central avenue; thence with the center line of Central avenue southwardly to the center line of Eighth street; thence with the center line of Eighth street westwardly to where the west line of lot No. 6, Trustee's addition, if extended northwardly, would intersect same; thence with said line extended and the west line of lot No. 6, Trustees' addition, southwardly to the center line of Hardy alley; thence with the center of Hardy alley westwardly to a point 100 feet west of Central avenue; thence southwardly with a line parallel with Central avenue to the south line of lot No. 23, Trustees' addition; thence westwardly with said line, 9 feet; thence southwardly and parallel with Central avenue to the center line of Constans alley; thence with the center line of Constans alley westwardly across Isabella and Patterson streets to where the west line of lot No. 132, Trustees' addition, if extended southwardly, would intersect same; thence with said line extended and the west line of lot No. 132, Trustees' addition, northwardly to the center of Keturah street; thence with the said center of Keturah street westwardly to the center of Brighton street; thence northwardly along the center of Brighton street to the center line of Powell street; thence westwardly with the center line of Powell street to the west line of Lowell street; thence southwardly to the south line of Powell street; thence westwardly with south line of Powell street extended to the Licking river; thence northwardly along the Licking river to the Ohio river; thence eastwardly along the Ohio river to the place of beginning.

## BOUNDARY OF DISTRICT "D."

Commencing at the Licking river, at the southwest corner of Sewerage District "C," where the south line of Powell street, if extended westwardly, would intersect same; thence eastwardly along said line to the west line of Lowell street; thence northwardly with the west line of Lowell street to the center of Powell

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§ 359. Sewers—District D.

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street; thence eastwardly with the center line of Powell street to the center of Brighton street; thence southwardly with the center line of Brighton street to the center of Keturah street; thence eastwardly with the center line of Keturah street to where the west line of lot No. 132, Trustees' addition, if extended northwardly, would intersect same; thence with said line extended and the west line of lot No. 132, Trustees' addition, southwardly to the center line of Constans alley; thence eastwardly with the center line of Constans alley, crossing Patterson and Isabella streets, to a point 109 feet west of Central avenue; thence northwardly parallel with Central avenue to the north line of lot No. 24, Trustees' addition; thence eastwardly parallel with Ninth street, 9 feet; thence westwardly parallel with Central avenue to the center of Hardy alley; thence eastwardly with the center of Hardy alley to where the east line of lot No. 7, Trustees' addition, if extended southwardly, would intersect same; thence with the said line extended and the east line of lot No. 7, Trustees' addition, northwardly to the center of Eighth street; thence with the center of Eighth street eastwardly to the center of Central avenue; thence with the center line of Central avenue northwardly to a point 53 feet north of Eighth street; thence eastwardly parallel with Eighth street to a point 91 feet 6 inches east of Central avenue; thence northwardly parallel with Central avenue, 29 feet; thence eastwardly to the center of Ann street; thence southwardly with the center of Ann street to where the south line of lot No. 24, Mayo's Heirs addition, if extended westwardly, would intersect same; thence with said line extended and the south line of lots No. 24 and 12, Mayo's Heirs addition, eastwardly to the center of Columbia street; thence with the center of Columbia street northwardly to a point 100 feet north of Eighth street; thence parallel with Eighth street eastwardly to the center of Putnam street; thence southwardly with the center of Putnam street to the center of Eighth street; thence eastwardly with the center of Eighth street to the center of Orchard street; thence northwardly with the center of Orchard street to where the north line of lots No. 12, Mayo's addition, if extended

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§ 359. Sewers—District D.

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westwardly, would intersect same; thence with said line extended and the north line of lot No. 12, Mayo's addition, eastwardly to the center of Monmouth street; thence with the center of Monmouth street southwardly to where a line parallel with and 57 feet north of Eighth street would intersect same; thence eastwardly parallel with Eighth street to a point 90 feet east of Monmouth street; thence northwardly parallel with Monmouth street to the south line of lot No. 254, Bellevue addition; thence eastwardly with said south line of lot No. 254, across Dayton street, and with the south line of lot No. 243, Bellevue addition, to the west line of lot No. 226, Bellevue addition; thence northwardly parallel with Saratoga street to the south line of lot No. 224, Bellevue addition; thence eastwardly with said line across Saratoga street and along the south line of Tapking alley to the east line of lot No. 216, Bellevue addition; thence with the east line of said lot No. 216 extended southwardly parallel with Saratoga street to the south line of lot No. 204, Bellevue addition; thence eastwardly with the line of said lot No. 204 extended to the center line of Robert street; thence southwardly with the center of Robert street and Mary alley to the center of Stone alley; thence eastwardly with the center line of Stone alley to where the west line of lot No. 151, Turnpike addition, if extended northwardly, would intersect same; thence with said line extended and the west line of lot No. 151, Turnpike addition, extended southwardly to the center of Tenth street; thence westwardly with the center line of Tenth street to where the center line of Weingartner alley, if extended northwardly, would intersect same; thence with the center of Weingartner alley southwardly to the center of Eleventh street; thence eastwardly with the center of Eleventh street to where the west line of lot No. 186, Turnpike addition, if extended northwardly, would intersect same; thence with said line extended and the west line of said lot No. 186, extended southwardly to the center of the alley at the south side of Turnpike addition; thence eastwardly with the center of said alley to where the east corporation line, if extended northwardly, would intersect same; thence by said line

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**§ 359. Sewers—District D.**

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extended and the east corporation line southwardly to a point 200 feet from the intersection of the east line of Washington avenue extended, with the south line of Barry avenue; thence southwestwardly with the corporation line to the east side of Monmouth street; thence southwardly to a point where the south side of Fourteenth street, if extended eastwardly would intersect same; thence with the south side of Fourteenth street westwardly to a point where the east line of lot No. 4, K. M. Williamson's addition, if extended southwardly, would intersect same; thence with said line extended and the east line of said lot No. 4, northwardly to the center of Thirteenth street; thence with the center line of Thirteenth street westwardly to where the east line of lot No. 14, K. M. Williamson's addition, if extended southwardly, would intersect same; thence with said line extended and the east line of lot No. 14, K. M. Williamson's addition, extended northwardly to the center of Twelfth street; thence with the center line of Twelfth street westwardly to a point 92 feet 9 inches east of York street; thence northwardly parallel with York street to the south line of lot No. 284, Buena Vista addition; thence westwardly with the south line of said lot extended across York street, Putnam street, Columbia street and Ann street, to a point 91 feet 6 inches west of Ann street; thence southwardly to the south line of lot No. 739, Buena Vista addition; thence with said line westwardly and extended across Central avenue to the center of German street; thence southwardly to where the south line of lot No. 718, Trustees' addition, if extended eastwardly, would intersect same; thence with said line extended and the south line of said lot No. 718, westwardly to the center line of Isabella street; thence with the center line of Isabella street southwardly to where the center line of Gosney alley, if extended eastwardly, would intersect same; thence with said center of Gosney alley westwardly and extended across Patterson street and Brighton street to the center of Lowell street; thence with the center of Lowell street northwardly 11 feet; thence westwardly and parallel with Twelfth street to the Licking river; thence northwardly with the Licking river to the place of beginning.

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§ 359. Sewers—District E.

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## BOUNDARY OF DISTRICT "E."

Beginning at the Licking river at a point 119 feet north of where the north line of Twelfth street, if extended westwardly, would intersect same; thence eastwardly parallel with Twelfth street to the center of Lowell street; thence with the center of Lowell street northwardly to where the center line of Gosney alley, if extended, would intersect same; thence with the center of Gosney alley eastwardly to the center of Isabella street; thence with the center of Isabella street northwardly to where the north line of lot No. 719, Trustees' addition, if extended westwardly, would intersect same; thence eastwardly along said line extended and the north line of lot No. 719, Trustees' addition, extended to the center of German street, northwardly to where the north line of lot No. 732, Trustees' addition, if extended westwardly, would intersect same; thence by said line extended and the north side of lot No. 732, eastwardly across Central avenue and along the north line of Lot 740, Buena Vista addition, to a point 91 feet 6 inches east of Central avenue; thence northwardly parallel with Central avenue to the north line of lot No. 634, Buena Vista addition; thence along the north line of said lot, eastwardly and parallel with Eleventh street, across Ann street, Columbia street, Putnam street and York street, to a point 92 feet 9 inches east of York street; thence southwardly parallel with York street to the center of Liberty street, to a point where the east line of lot No. 14, K. M. Williamson's addition, if extended northwardly, would intersect same; thence southwardly by said line extended and the east line of lot No. 14, K. M. Williamson's addition, extended to the center of Thirteenth street; thence with the center line of Thirteenth street eastwardly to where the east line of lot No. 4, K. M. Williamson's addition, if extended northwardly, would intersect same; thence southwardly with said line extended and the east line of lot No. 4, K. M. Williamson's addition, extended to the south line of Fourteenth street, the south corporation line; thence with the south corporation line westwardly to where the west line of Central avenue, the corporation line, if extended southwardly, would

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§§ 360—363. Sewers—Ordering District A.

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intersect same; thence with the west line of Central avenue northwardly to the south line of the Trustees' addition, a south corporation line; thence with said south line of Trustees' addition westwardly to the Licking river; thence down the Licking river to the place of beginning.

§ 360. (3) PLATS.—The accompanying plat, which shall be marked by the City Engineer and the City Clerk and forever remain on file in the City Engineer's office of the City of Newport, and be the property of the said city, shall be a part hereof, said plat shall be marked, "Plat of Sewerage System and Districts of the City of Newport, Kentucky."

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An Ordinance ordering and providing for the sewerage of District "A" of the sewer districts in the City of Newport, Ky. (Passed February 8, 1894.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

§ 361. (1) DISTRICT "A"—ORDERED SEWERED.—That District "A" of the sewer districts of the City of Newport, Kentucky, be seweraged, and the same is hereby ordered seweraged, pursuant to the provisions of an act entitled "An act to provide for sewerage in the City of Newport," approved April 16, 1890.

§ 362. (2) PLANS AND SPECIFICATIONS — ESTIMATE.—The City Engineer shall report all plans and specifications for the seweraging of District "A" and an estimate of the cost of same as an entirety, and also an estimate of the rate of tax on the one hundred dollars valuation according to the assessed valuation of real estate in the district, it will require each year for twenty years to pay interest at the rate of five per cent. on the unpaid part of, and one-twentieth of the whole cost.

§ 363. (3) ASSISTANTS.—Consulting Engineer and assistants can be employed by the City Engineer, by and with the consent of the Board of Councilmen as to the number thereof and

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§§ 364—367. Sewers—Ordering Districts B and C.

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pay of same, said expense to be included as a part of the cost of building the said sewers.

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An Ordinance ordering and providing for the sewerage of District "B" of the sewer districts in the City of Newport, Ky. (Passed May 19, 1892.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

§ 364. (1) DISTRICT "B"—ORDERED SEWERED.—That District "B" of the sewer districts of the City of Newport, Kentucky, be seweraged, and the same is hereby ordered seweraged, pursuant to the provisions of an act entitled "An act to provide for sewerage in the City of Newport," approved April 16, 1890.

§ 365. (2) PLANS AND SPECIFICATIONS — ESTIMATE.—The City Engineer shall report all plans and specifications for the sewerage of District "B" and an estimate of the cost of same as an entirety, and also an estimate of the rate of tax on the one hundred dollars valuation, according to the assessed valuation of real estate in the district, it will require each year for twenty years to pay interest at the rate of five per cent. on the unpaid part of, and one-twentieth of the whole cost.

§ 366. (3) ASSISTANTS.—Consulting Engineer and assistants can be employed by the City Engineer, by and with the consent of the Board of Councilmen as to the number thereof and pay of same, said expense to be included as a part of the cost of building the said sewers.

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An Ordinance ordering and providing for the sewerage of District "C" of the sewer districts in the City of Newport, Ky. (Passed September 3, 1892.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

§ 367. (1) DISTRICT "C"—ORDERED SEWERED.—That District "C" of the sewer districts of the City of Newport, Kentucky,

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§§ 368—371. Sewers—Ordering District D.

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be sewered, and the same is hereby ordered sewered, pursuant to the provisions of an act entitled "An act to provide for sewerage in the City of Newport," approved April 16, 1890.

§ 368. (2) PLANS AND SPECIFICATIONS — ESTIMATE.—The City Engineer shall report all plans and specifications for the sewerage of District "C" and an estimate of the cost of same as an entirety, and also an estimate of the rate of tax on the one hundred dollars valuation according to the assessed valuation of real estate in the district, it will require each year for twenty years to pay interest at the rate of five per cent. on the unpaid part of, and one-twentieth of the whole cost.

§ 369. (3) ASSISTANTS.—Consulting Engineer and assistants can be employed by the City Engineer, by and with the consent of the Board of Councilmen as to the number thereof and pay of same, said expense to be included as a part of the cost of building the said sewers.

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An Ordinance ordering and providing for the sewerage of District "D" of the sewer districts in the City of Newport, Ky. (Passed May 19, 1892.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.:*

§ 370. (1) DISTRICT "D"—ORDERED SEWERED.—That District "D" of the sewer districts of the City of Newport, Kentucky, be sewered, and the same is hereby ordered sewered, pursuant to the provisions of an act entitled "An act to provide for sewerage in the City of Newport," approved April 16, 1890.

§ 371. (2) PLANS AND SPECIFICATIONS — ESTIMATE.—The City Engineer shall report all plans and specifications for the sewerage of District "D" and an estimate of the cost of same as an entirety, and also an estimate of the rate of tax on the one hundred dollars valuation according to the assessed valuation of real estate in the district, it will require each year for twenty years

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**§§ 372—375. Sewers—Ordering District E**

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to pay interest at the rate of five per cent. on the unpaid part of, and one-twentieth of the whole cost.

**§ 372. (3) ASSISTANTS.**—Consulting Engineer and assistants can be employed by the City Engineer, by and with the consent of the Board of Councilmen as to the number thereof and pay of same, said expense to be included as a part of the cost of building the said sewers.

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An Ordinance ordering and providing for the sewerage of District "E" of the sewer districts in the City of Newport, Ky. (Passed February 8 1894.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

**§ 373. (1) DISTRICT "E"—ORDERED SEWERED.**—That District "E" of the sewer districts of the City of Newport, Kentucky, be sewered, and the same is hereby ordered sewered, pursuant to the provisions of an act entitled "An act to provide for sewerage in the City of Newport," approved April 16, 1890.

**§ 374. (2) PLANS AND SPECIFICATIONS—ESTIMATE.**—The City Engineer shall report all plans and specifications for the sewerage of District "E" and an estimate of the cost of same as an entirety, and also an estimate of the rate of tax on the one hundred dollars' valuation according to the assessed valuation of real estate in the district, it will require each year for twenty years to pay interest at the rate of five per cent. on the unpaid part of, and one-twentieth of the whole cost.

**§ 375. (3) ASSISTANTS.**—Consulting Engineer and assistants can be employed by the City Engineer, by and with the consent of the Board of Councilmen as to the number thereof and pay of same, said expense to be included as a part of the cost of building the said sewers.

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§§ 376—378. Sewers—Regulations.

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An Ordinance regulating the construction of private drains and their connection with the public sewers. (Approved January 4, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 376. (1) SEWER CONNECTIONS—PERMIT.—That no private drains shall be laid in the streets or other public ways of the City of Newport, nor connection made with any public sewer, without the written permission of the Superintendent of Public Works, and any drain laid or connection or opening made for the purpose of connecting with any public or private sewer without such permission, or in any way different from the mode prescribed by the rules and regulation governing such work, shall subject the person or persons doing the work and the owner of the premises directing it, to a penalty hereinafter prescribed.

§ 377. (2) PERMIT—CONDITIONS.—The Superintendent of Public Works is hereby authorized to grant such permits as he shall deem proper for allowing persons to make connections with the public and private sewers. *Provided, however,* that the permit shall be granted only on the express condition that the owner or tenant for whose benefit such connection is made shall, in consideration of the privilege thereby granted and enjoyed, hold the City of Newport harmless from any loss or damage that may in any way result from or be occasioned by such connection or in making same.

§ 378. (3) PERSONS LICENSED, QUALIFICATIONS OF—LICENSE FEE.—No person shall be authorized or licensed by the Superintendent of Public Works to do the work of making connections with any of the public or private sewers, until he has furnished the said Superintendent with satisfactory evidence that he is qualified for the duties he undertakes, and previous to being authorized or licensed by said Superintendent, the party shall file a bond in the office of said Superintendent in such sum as may be designated by said Superintendent, not, however, less than five hundred dollars, with two or more sureties to be approved by said Superintendent, conditioned that he will indemnify and save

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§§ 379—381. Sewers—Regulations.

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harmless the city from all loss or damage that may be occasioned in any way accidental or by the want of skill or care on his part in the prosecution of such work, or that may be occasioned by reason of any opening by him, made or caused to be made in any street or public way in the making of any connection with any public or private sewer as aforesaid, and conditioned also that he will promptly at the proper time replace and restore the street over such opening to as good state and conditions as he found it previous to the opening of same, and that he will conform in all respects to the rules and regulations which may be from time to time established in relation to laying drains and making connections with public and private sewers and drains; and *provided further*, that the license herein required shall not be issued until after the payment of ten dollars into the City Treasury for same, and said license shall be dated as of the first of May in each year, and continue for the period of one year thereafter; it shall not be transferable, and the revenue derived therefrom shall be set aside to and form a part of the street fund of said city. (*Section as amended by ordinance of May 12, 1898; the original section was amended by ordinance of January 30, 1895.*)

§ 379. (4) DRAINS—HOW CONSTRUCTED.—All drains connecting with the public or private sewers shall be so constructed as to allow of effectual flushing with water to keep same pure and unobstructed.

§ 380. (5) CONNECTION—NOTICE.—After a permit has been issued, notice in writing must in all cases be left at the office of the Superintendent of Public Works by the person who is about to make connection with any sewer, stating the time when such work will be ready for inspection previous to making said connection. Notice must be left between 9 A. M. and 4 P. M. on the day previous to making such connection.

§ 381. (6) PENALTY.—Any person authorized or licensed to lay private drains or make connections with public sewers, who shall be guilty of any violation of the provisions of this ordinance, shall be immediately deprived of his license; and any person guilty

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**§§ 382—387.** Sewers—Regulations.

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of a violation of any of the provisions of this ordinance shall, upon conviction in the police court, be fined in any sum not less than five dollars nor more than twenty dollars and costs.

**§ 382. (7) RULES AND REGULATIONS.**—The Superintendent of Public Works is authorized to make such rules and regulations not inconsistent with this ordinance for the regulation of laying private drains and making connection with the public sewers, and alter and amend same from time to time, as may be necessary. (*See Section 388.*)

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An Ordinance relating to sewer connections with private sewer drains in the City of Newport, Ky. (Approved February 23, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 383. (1) SEWER CONNECTIONS — PERMIT.**—That all persons desiring to have sewer connections made by private drains with the public sewers shall first obtain from the Superintendent of Public Works a permit therefor, and no connections shall be made without said permit first having been obtained.

**§ 384. (2) PERMIT FEE.**—The Superintendent of Public Works shall issue said permits provided for in Section 1 hereof upon payment to the City of Newport of the sum of [one dollar]. (*Words in brackets by amendment by ordinance of June 28, 1898.*)

**§ 385. (3) PENALTY.**—Any person making connection with private drains and the public sewers without first having obtained a license therefor shall be fined, upon conviction, in any sum not exceeding fifteen dollars and costs of prosecution.

**§ 386. (4) PERMITS — WHOM REQUIRED OF.**—The permits herein provided for shall be required of the owners, lessees or agents of the real estate connected with the public sewers, and shall not be construed to be the license required of sewer tappers for the prosecution of their business as such.

**§ 387. (5) FEES — PURPOSE OF.**—The fund derived from

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§ 388. Sewers—Rules.

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the issue of permits herein provided for shall be for the maintenance of the government of the city, and shall be set aside to, and form a part of, the street fund of the city, and shall be used to pay the inspectors of sewer connections.

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An Ordinance adopting and prescribing rules and regulations for the construction of private sewers and drains and their connection with the public sewers. (Approved April 9, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 388. (1) SEWER CONNECTIONS — RULES AND REGULATIONS.—That the following rules and regulations, prepared and recommended by the Superintendent of Public Works and City Civil Engineer, shall be adopted, and regulate and govern the construction of all private sewers and drains and their connections with the public sewers in the City of Newport, Ky.:

RULE ONE.

No privy vault shall be connected with the public sewers.

RULE TWO.

All sewer pipe for house connections or private sewers shall be six inches in diameter, and no variation from this size shall be allowed without the written permission of the Superintendent of Public Works, upon the recommendation of the City Civil Engineer, and under no consideration whatever shall any pipe be taken out of a pipe sewer or a hole cut in a brick sewer for the insertion of a branch or slant without the written permission of the Superintendent of Public Works.

RULE THREE.

All private sewers and house connections shall be laid in strict conformity with the specifications for constructing sewers now on file in the City Civil Engineer's office. All material used shall be

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**§ 388. Sewers—Rules.**

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of the standard required by said specifications, and before any material is used it shall be inspected by the Superintendent of Public Works or a duly authorized inspector, and any material rejected must be removed from the work and not allowed to be used.

**RULE FOUR.**

Wherever, in the judgment of the Superintendent of Public Works, the soil is not of a suitable nature to properly sustain stone sewer pipe, iron soil pipe, extra heavy, shall be used, and the joints shall be made in a proper manner by caulking with suitable hemp gasket and then filling the joint with melted lead.

**RULE FIVE.**

The line of the trench to be opened will be indicated by the Superintendent of Public Works. In all cases, whenever practicable, the alignment and grade shall be straight. The contractor shall use all diligence in opening the trenches, so as to prevent unnecessary obstruction of the street. When he is ready to make connection with the sewer, the Superintendent of Public Works must be notified in writing, and he or a duly authorized inspector shall be present during the laying of the pipe to the property line. Pipe laid inside property line may be laid, but before being covered shall be subject to same inspection. In no case shall any pipe be covered before having been properly inspected.

**RULE SIX.**

The re-filling shall be done in such a manner as may be ordered by the Superintendent of Public Works or a duly authorized inspector.

**RULE SEVEN.**

These regulations shall apply to all or any part of a sewer connection between any house or other building and the main public sewer, whether on the public highway or street, or on private property.

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§§ 389—393. Sewers—Rules and Regulations

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§ 389. (2) PENALTY.—Any violation of any of the rules provided and prescribed in Section 1 hereof shall subject the offender to the penalties prescribed in an ordinance entitled, "An Ordinance regulating the construction of private drains and their connection with the public sewer," approved January 4, 1895.

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An Ordinance requiring owners of property abutting upon streets in the City of Newport, wherein public sewers are built, to make service connections with same as far as the curb line of said property. (Approved September 15, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 390. (1) SEWER SERVICE CONNECTIONS—TO CURB LINE.—That owners of each and every piece of property abutting upon streets of the City of Newport, wherein public sewers may hereafter be built, are hereby required to make suitable service connections with same as far as the curb line of said property.

§ 391. (2) PENALTY.—Any person failing or refusing to make the service connections as herein required shall, for a period of five years thereafter, be prohibited from making same, unless by express permission of the General Council of the city, said person is granted the right so to do.

§ 392. (3) REPEALING CLAUSE.—All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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An Ordinance concerning sewer connections in the City of Newport, Ky.  
(Approved June 18, 1897.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 393. (1) SEWER CONNECTION — WITH MANUFACTORY.—That in all cases where large quantities of water are used in any manufactory, business house, or upon any property in the City of

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§§ 394—396. Sewers—Rules and Regulations.

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Newport, and the waste water or liquid waste material from same is run in large quantities by draining onto and upon the streets, alleys or commons of said city, and in the opinion of the Superintendent of Public Works it be necessary for the proper protection of the catch basins and sewer system to run said waste water, etc., directly into said sewers, and such other property, or that upon which said manufactory or business house is located, abuts a sewer of the sewerage system of said city, then, and in that case, upon a written notice from the said Superintendent of Public Works, the owner of said manufactory, business house or other property shall be required to make connection with and run said waste water or liquid waste material directly into the public sewers, in accordance with all regulations governing sewer connections.

§ 394. (2) PENALTY.—Any corporation, company or person failing to comply with the written order of the Superintendent of Public Works, as provided for in Section 1 hereof, within thirty days thereafter shall, upon conviction, be fined in any sum not exceeding one hundred dollars and costs of prosecution, and the Superintendent of Public Works shall proceed to have said work of connection made, and the expenses thereof shall be charged to said owner of said property.

§ 395. (3) REPEALING CLAUSE.—That an ordinance entitled, "An Ordinance concerning sewers in the City of Newport, Ky," approved May 1, 1895, be, and the same is hereby repealed.

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An Ordinance prohibiting the tapping of manholes, catch basins or flush tanks connected with the sewerage system of the City of Newport, Ky.  
(Approved April 25, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 396. (1) TAPPING OF MANHOLE, ETC.—That it shall be unlawful to tap any manhole, catch basin or flush tank connected with the sewerage system of the City of Newport for any purpose whatever, and no permission therefor shall be granted.

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§§ 397—398. Streets—Construction.

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§ 397. (2) PENALTY.—Any violation of this ordinance shall subject the offender to a penalty, upon conviction, of not less than ten nor more than one hundred dollars and costs of prosecution.

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### STREETS AND SIDEWALKS.

An Ordinance prescribing the method of procedure, governing and regulating the construction and reconstruction of all public ways and sidewalks in the City of Newport, Ky. (Approved May 7, 1894).\*

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 398. (1) CONSTRUCTION—RECONSTRUCTION—COST—LIEN—SIDEWALKS.—That the public ways and sidewalks of the City of Newport shall be constructed and reconstructed, inspected, accepted, paid for, governed and regulated under and by the following procedure: Streets, alleys and other public ways and sidewalks, or parts thereof, shall be ordered constructed or reconstructed upon the petition of the owners of a majority of the front or abutting feet of the real estate on such proposed improvement, or without a petition by a vote of two-thirds of the members-elect of each Board of the General Council. But when such original construction is to be made with brick, granite, asphalt, concrete, or other improved material or paving, it shall be made only upon the petition of the owner or owners of at least two-thirds of the front or abutting feet of real estate abutting on such improvement. Original construction of public ways shall be made at the exclusive cost of the owners of the real estate abutting on such improvement; and such reconstruction of public ways shall be made one-half at the cost of the owners of the real estate abutting on such improvement, and the other half at the cost of the city.

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\* NOTE.—The provision of this ordinance requiring a contract for construction of streets to be let, after advertising, to lowest and best bidder, subject to the right of city to reject any and all bids, is binding until duly modified or repealed. *Fineran vs. Central Bitulithic Co., 25 R. 876.*

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**§ 399. Streets—Construction.**

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Such cost of construction and reconstruction, which is to be paid by the property owners, shall be apportioned among and assessed upon the lots or parcels of lots of real estate abutting on such improvement, according to the number of front or abutting feet. There shall be a lien upon such lots or parcels of real estate for the part of the cost of such improvement so assessed thereon, and the same shall bear interest from the time of the assessment. All such liens may be enforced by action. The city shall pay the cost of the improvement of intersections of public ways. The cost of making sidewalks, including curbing, whether by original construction or reconstruction, shall be apportioned to the front foot, as owned by the parties respectively fronting said improvement, and paid by them. Such cost shall be assessed as the cost of the construction of streets, and there shall be a like lien for such assessment enforceable in like manner.

**§ 399. (2) PETITION — RESOLUTION — ORDINANCE — ADVERTISEMENT — CONTRACT.**—Upon petition of the property owners or by vote of two-thirds of the members-elect of both Boards of the General Council, the vote in each case being recorded on the journals thereof, a resolution shall be passed declaring said improvement to be a necessity, in cases of improvement by original construction with improved material or paving, by petition only of the owner or owners of two-thirds of the fronting or abutting feet of real estate on such improvement, and directing the Civil Engineer of the city to prepare plans and specifications and the estimate of the cost, and rate per foot to be assessed against the owners of real estate fronting or abutting same, also the cost of the making of the intersections, which said report shall be concurred in by both Boards of the General Council, and thereupon an ordinance shall be passed in the same manner as said resolution, providing for said improvement; but no such ordinance for any original improvement shall pass both Boards of the General Council at the same meeting, and at least two weeks shall elapse between the passage of any such ordinance from one Board to the other. In such ordinance providing for the improvement by construction or reconstruction of any public way or sidewalk, or part

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§ 400. Streets—Construction.

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thereof, the City Civil Engineer shall be directed to advertise not less than three times in the city's official paper for proposals, to be received at his office at 12 o'clock noon of a day, not a legal holiday, to be fixed by him, not less than ten nor more than fifteen days after the date of advertisement, and he shall advertise for same within ten days after the said ordinance shall have been signed by the Mayor. The proposals for doing said work shall be immediately, at noon of said day, opened in the presence of the Mayor and City Civil Engineer, Superintendent of Public Works, Chairman of the Improvement Committee of the Board of Aldermen, and Chairman of the Improvement Committee of the Board of Councilmen, a majority of whom shall constitute a quorum for the transaction of said business of opening said proposals. If a majority of said persons be not present, the bids or proposals shall not be opened, but an adjournment shall be had to the following day at 12 o'clock noon, when, if a quorum of said Board be present, said proposals shall be opened, otherwise an adjournment as above shall be had from day to day until a quorum can be secured. Upon opening said proposals, said committee of persons above shall report their findings as to same to the Board of the General Council which first convenes in regular session thereafter, and said Board, if the lowest and best bidder for same conforming to requirements of the plans and specifications therefor shall be within the estimate for said proposed work, shall thereupon award the contract therefor to said lowest and best bidder, and report same to the other Board of the General Council, which shall also so award same, and the Mayor shall thereupon, upon direction of the General Council, enter into a contract with said bidder for the performance of said work. The General Council shall have the power to, and specifications shall so state, reject any and all bids therefor, in which case the City Civil Engineer shall proceed to re-advertise for proposals for same.

§ 400. (3) SPECIAL TAX.—The General Council shall, when a contract has been entered into for the improvement, by construction or reconstruction, of any of the public ways or sidewalks of said city, pass an ordinance levying a special tax and assessment

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§§ 401—404. Streets—Construction.

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against the owners of the real estate fronting or abutting upon same for the payment of said improvement of the part of said cost to be paid by said owners, specifying therein to whom same shall be paid, whether to the City Treasurer or contractor, and when same shall be paid. (*See Section 406.*)

§ 401. (4) SUPERVISION OF SUPERINTENDENT OF PUBLIC WORKS AND ENGINEER.—The work of said contractor shall be done under the supervision of the Superintendent of Public Works, together with the City Civil Engineer; as to the part of said work under the direction of the said engineer, so far as provided in the plans and specifications, and so far as the duties ordinarily provided for said engineer in work of like nature and pursuant to the charter for the city.

§ 402. (5) PERMISSION TO PROPERTY OWNERS TO IMPROVE.—The General Council may in its discretion, upon a petition of a majority of the property owners, on the part of a public way proposed to be improved, grant them permission to improve said public way under the supervision of, and within such time as may be fixed by, the Superintendent of Public Works, City Civil Engineer and Mayor.

§ 403. (6) ACCEPTANCE.—When any such improvements have been made and the contract therefor completed, the Superintendent of Public Works shall, by one insertion in the official newspaper, give notice of the time and place fixed for the inspection and reception of the work by the Superintendent, and shall also notify the Mayor and City Civil Engineer of same; and the property owners, their agents and representatives, may appear and be heard as to whether such improvements have been made in accordance with the ordinance authorizing same and the contract therefor, and he shall thereupon report to the General Council his acceptance or rejection of said work, which shall act upon same.

§ 404. (7) TEN-YEAR PLAN.—The General Council may provide that any such work of construction or reconstruction shall be made on the ten-year plan; and thereupon, when any such improvement has been completed and accepted, a notice shall be

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§§ 405—406. Streets—Construction.

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given, by publication in the official newspaper, requiring the property owners to pay the local taxes levied on their property; and if any of such local taxes be not paid by such property owners, then to provide a fund for the immediate payment of such portion of the entire cost of such improvement or re-improvement the abutting property holders shall be liable for, but may not pay in cash, in conformity with said notice, the General Council shall borrow money at a rate of interest not exceeding six per cent. per annum, in anticipation of the collection of a special tax or assessment for such improvement or re-improvement from such property holders, and shall issue the bonds of the city therefor in the manner and form as provided in the act governing cities of the second class, and all such proceedings in regard to payment of said bonds and collection from the said abutting property holders of the part of the cost of said improvement to be paid by them, shall be taken and done as provided in said act governing cities of the second class.

§ 405. (8) STEPS—MANNER AND FORM.—All steps and matters and things pertaining to street improvements in the City of Newport shall be taken and done in the manner and form and as prescribed in an act of the General Assembly of the Commonwealth of Kentucky, entitled "An Act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, and as in this ordinance heretofore prescribed and set forth.

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An Ordinance constituting the contractors for the construction or reconstruction of streets within the City of Newport, Ky., special collectors for the City of Newport, Ky., and directing such person or persons to enforce the statutory lien of the city against the abutting owner or owners. (Approved July 19, 1905.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 406. (1) CONTRACTOR—SPECIAL COLLECTOR.—That who-soever shall contract with the City of Newport to construct or

**§§ 407—411. Streets and Sidewalks—Permits.**

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reconstruct any street, alley or public way within the corporate limits of the City of Newport, Ky., is hereby appointed and delegated a special collector, to collect for the City of Newport, Ky., any and all assessment or assessments levied against the property of the abutting owner or owners on account of such construction or reconstruction of any street, alley or public way within the corporate limits of the City of Newport, Ky. (*See Section 400.*)

**§ 407. (2) COLLECTOR — SERVICES FREE.**—That the services of said collector shall be rendered without any cost to the City of Newport.

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An Ordinance regulating the building of sidewalks with material other than brick or stone. (Approved July 12, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 408. (1) CONSTRUCTION OF SIDEWALK — PERMIT.**—That any person who shall desire or be ordered to build a sidewalk in the City of Newport, of brick, stone or cement, by employment or contract with the owner of the real estate fronting or abutting the sidewalk so to be built or improved, shall first obtain from the City Civil Engineer of Newport a license so to do, and plans and specifications of same, and shall also obtain from the Water Works Department of the city a permit to use water therefor, if water be necessary in the construction of same. (*Section as amended by ordinance of June 27, 1896.*)

**§ 409. (2) SUPERVISION OF SUPERINTENDENT OF PUBLIC WORKS.**—That such sidewalks shall be built under the supervision of the Superintendent of Public Works of the city.

**§ 410. (3) PENALTY.**—Any contractor for or persons employed by the owner thereof to build such sidewalks, who shall violate any of the provisions of the first section of this ordinance, shall, on conviction in the police court, be fined in any sum not exceeding fifty dollars and costs of prosecution.

**§ 411. (4) (*This section, fixing a fee, stricken out by amendment by ordinance of July 19, 1905.*)**

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§§ 412—415. Streets—Protection.

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An Ordinance to provide for making sewer, water and gas pipe connections with the main lines of same, and to regulate and govern same on reconstructed streets. (Approved July 26, 1897.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 412. (1) CONNECTIONS—BEFORE RECONSTRUCTION.—That all sewer connections, water and gas pipe connections shall be made, at the expense of the property owners along the line of streets that are ordered reconstructed, by said owners desiring same, before said streets are reconstructed.

§ 413. (2) OPENING RECONSTRUCTED STREET UNLAWFUL.—That it shall be unlawful to break into or enter into any reconstructed street, to place therein sewer, gas or water pipe connections after said street has been reconstructed, for a period of five years from the time said street has been reconstructed.

§ 414. (3) PENALTY.—Any person guilty of violating the provisions of Section 2 of this ordinance shall be fined in any sum not exceeding the sum of fifty dollars and costs of prosecution, recoverable in the police court of said city, and be required to defray the expense of repairing said street so broken or entered into.

§ 415. (4) OWNERS TO BE NOTIFIED OF PROPOSED RECONSTRUCTION.—It shall be the duty of the City Engineer to notify all owners of property, or the agents thereof, along any street which has been ordered reconstructed, to make all connections with sewers, water and gas pipe, thirty days prior to the reconstruction of said street in front of their said property. Said notice shall be served by the Chief of Police or any officer authorized to serve notices. Said officer shall make due return of the service of same, and the Engineer shall preserve said notices and returns, and charge the expense of service thereof as an item in the cost of reconstructing said streets.

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**§§ 416—418. Streets—Protection.**

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An Ordinance to protect the streets of the City of Newport, where same are opened for purpose of making connection with sewer, water, gas or other pipe. (Approved March 4, 1897.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 416. (1) OPENING STREET SURFACE — REGULATIONS.**—That any person authorized to open the streets of the City of Newport, Ky., shall, before obtaining from the Superintendent of Public Works of said city a permit so to do, apply to and receive from the City Engineer a form filled out, showing the location of such opening to be made, together with the number of square yards of street surface to be opened, and the kind of material composing said surface.

**§ 417. (2) PERMIT — FORM.**—The Superintendent of Public Works shall then, before issuing a permit to open any of said streets or public ways, require the applicant to deposit with him the following sums of money, to be used by said Superintendent to repair said street surface where opened in a proper manner, in case said surface is not properly repaired by person taking out permit within a period of ten (10) days after permit is issued.

All trenches to be computed at three (3) feet wide.

For macadam streets, the sum of.....\$0.20 per sq. yd.

For limestone paved streets, the sum of.. 30 per sq. yd.

For vitrified brick streets, the sum of.... 1.25 per sq. yd.

For asphalt block streets, the sum of.... 1.25 per sq. yd.

For granite block streets, the sum of.... 1.25 per sq. yd.

For sheet asphalt streets, the sum of.... 2.25 per sq. yd.

**§ 418. (3) SURFACE TO BE REPAIRED.**—That in case said surface is not repaired in a manner acceptable to said Superintendent within the ten (10) days allowed, then the Superintendent of Public Works shall use all or such part of said deposit as may become necessary to make the proper repairs, and if any part remains, he shall then return it to the person receiving permit, with a statement showing amount expended. However, in case the person opening street does restore same to a good and proper

**§§ 419—423. Streets—Protection.**

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condition within the ten days, then the Superintendent shall return entire deposit after a proper inspection.

§ 419. (4) SURFACE—CONDITION OF TO BE REPORTED.—It shall be the duty of the inspector of sewer taps to report to the Superintendent of Public Works the condition of the street surface, so that proper steps may be taken by him.

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An Ordinance pertaining to curbing, and gutter openings in same, in the City of Newport, Ky. (Approved April 26, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 420. (1) CURBSTONE—PERMIT TO CUT.—That no curbstone in the City of Newport shall be cut for gutter opening without a permit for same having been first obtained from the City Civil Engineer, and the place wherein same is to be cut designated by him, and the same inspected after having been cut by the Superintendent of Public Works.

§ 421. (2) DEPTH OF CUT.—No curbstone shall be cut into a greater depth than one inch.

§ 422. (3) PENALTY.—Any person or persons violating the provisions of this ordinance shall, on conviction in the police court, be fined in any sum not less than five dollars nor more than twenty dollars.

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An Ordinance concerning streets in the City of Newport, Ky. (Approved April 4, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 423. (1) STREETS—PERMIT TO OPEN—PENALTY.—That all persons, before opening any of the streets or public highways of the City of Newport, Ky., shall obtain from the Superintendent of Public Works a permit so to do. And any person so opening any street or public highway, without first having obtained said

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§§ 424—426. Streets—Protection.

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permit, shall be guilty of a misdemeanor, and upon conviction fined in any sum not exceeding fifty (\$50) dollars and costs of prosecution.

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An Ordinance to protect the improved streets that have been made with improved material. (Approved April 9, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 424. (1) IMPROVED STREETS — PROTECTION OF.—That it shall be unlawful for any person or persons to dump, place or deposit upon any of the streets of the City of Newport, that have been made with improved material, any stone, iron, machinery, or other substance or material, without first having placed thereon lumber and boards or other protection to prevent said street being injured or broken.

§ 425. (2) PENALTY.—Any person or persons violating this ordinance shall, upon conviction, be fined in any sum not exceeding one hundred (\$100) dollars and costs of prosecution.

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An Ordinance requiring the placing and maintaining of electric signal bells at certain streets in the City of Newport, Ky., where a steam railroad crosses same at a surface grade. (Approved June 8, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 426. (1) RAILROAD CROSSINGS — SIGNAL BELLS.—That electric signal bells shall be placed and maintained by the steam railroad company crossing same at the following named streets in the City of Newport, where a steam railroad crosses same at a surface grade, to-wit: at Eleventh street, where Saratoga crosses same; said signal bells shall be of the latest and most approved kind for the warning of persons of the approach of trains, and they shall be constructed, and the wires and apparatus connected therewith laid and built under the supervision of the City Civil

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§§ 427—429. Streets—Signal Lights.

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Engineer of Newport, and they shall be from time to time inspected and repaired. (*Section as amended by ordinance of November 30, 1895.*)

§ 427. (2) SIGNAL BELLS—WHEN TO BE ERECTED.—The signal bells mentioned and required to be placed by the first section hereof shall be erected and in working order by the first day of July succeeding the passage of this ordinance; and each and every day thereafter said bells are not so placed and in working order shall be deemed a misdemeanor, and the steam railway company operating a line of railroad across the streets mentioned in the first section hereof shall, for not so placing and maintaining said bells, upon conviction thereof, be fined in any sum not exceeding fifty dollars and costs of prosecution.

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An Ordinance requiring red signal lights to be placed on and about materials, obstructions and excavations upon and in the streets and alleys of the City of Newport, Ky., between the hours of sunset and sunrise.  
(Approved November 15, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 428. (1) SIGNAL LIGHTS.—That contractors for building or any other purposes, and all other persons who may place materials or obstructions of any kind, or make excavations upon or in any of the streets or alleys of said city, shall, between the hours of sunset and sunrise, place and keep burning on said materials or obstructions and about or around said excavations at least two red signal lights in the most conspicuous places thereon or thereabouts.

§ 429. (2) PENALTY.—Contractors and all other persons in any wise refusing or failing to comply with the requirements of this ordinance shall, upon conviction thereof, be fined in any sum not less than five nor more than twenty-five dollars and costs of prosecution.

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**§§ 430—433. Streets—Sprinkling.**

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An Ordinance requiring street sprinklers to leave a dry strip in the streets of the City of Newport, and fixing the punishment for violation of same. (Approved May 7, 1900.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 430. (1) DRY STRIP.**—That all persons engaged in sprinkling streets in the City of Newport shall leave in the middle of said streets a dry strip at least four (4) feet in width.

**§ 431. (2) PENALTY.**—For any violation of the foregoing section, the persons so offending shall be fined in any sum not less than one dollar nor more than ten dollars.

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An Ordinance to protect brick streets in the City of Newport from injury by excessive or improper sprinkling or watering of same. (Approved March 17, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 432. (1) SPRINKLING, EXCESSIVE — UNLAWFUL.**—That it shall be unlawful for any person or persons to water or sprinkle any of the improved brick streets of the City of Newport with a hose, unless a spray nozzle be attached thereto; or for such person or persons to excessively sprinkle or water same in any manner.

**§ 433. (2) PENALTY.**—Any person or persons violating any of the provisions of this ordinance, shall for each and every offense, on conviction thereof in the police court, be fined not less than five nor more than fifteen dollars and costs of prosecution. And it shall be the special duty of the Superintendent of Public Works to attend to the enforcement of this ordinance.

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§§ 434—436. Streets—Sprinkling—Grades.

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An Ordinance requiring persons, companies and corporations, and the agents and employees thereof, owning or operating steam railroads over the streets of the City of Newport, to sprinkle with water the track so operated, and providing a penalty for the violation thereof. (Approved June 12, 1903.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 434. (1) SPRINKLING BETWEEN STEAM RAILROAD TRACKS.

—That all persons, companies and corporations, and agents and employees thereof, owning or operating steam railroads over and upon any of the streets of the City of Newport, be and are hereby required, between the first day of May and the first day of November of each and every year, to sprinkle with water the tracks and the portions of the streets between said tracks over and upon which said persons, companies, corporations, agents or employees thereof operate said railroads, as often as may be necessary to prevent dust from arising therefrom upon the passage of engines or trains over same.

§ 435. (2) PENALTY.—Any person, company, corporation or agent or employee thereof, hereby required, who shall fail or refuse to sprinkle said tracks or streets as herein provided, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than one nor more than one hundred dollars.

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An Ordinance to establish the grades of streets, avenues and alleys lying east of Park avenue, in the City of Newport, Ky. (Approved May 1, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 436. (1) OHIO ALLEY.—That the grade of Ohio alley, from Park avenue eastwardly for one thousand feet, be established, as follows: Beginning at a point in the southeast curb intersection

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**§§ 437—440. Streets—Grades.**

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of Park avenue and Ohio alley, elev. 91.20; thence ascending eastwardly, at a grade of 0.52-100 for 403.40 feet, to the southwest curb intersection of Maple avenue, elev. 93.40; thence to the southeast curb intersection of Maple avenue 31.05 feet, elev. 93.45; thence, descending at a grade of 0.50-100, for 290.86 feet to the southwest curb intersection of Linden avenue, elev. 92.0; thence level to southeast curb intersection of Linden avenue, 31.05 feet; thence, ascending at a grade of 0.50-100, for 261.04 to elev. 93.30.

**§ 437. (2) SIXTH STREET.**—That the grade of Sixth street from Park avenue eastwardly to the east line of Oak avenue be established as follows: Beginning in the southeast curb intersection of Park avenue, elev. 95.60; thence, descending eastwardly at a grade of 0.80-100 for a distance of 755 feet to the southwest curb intersection of Kentucky alley, elev. 85.56; thence descending at a grade of 20-100 for a distance of 148 feet to the southwest intersection of Oak avenue, elev. 86.60; thence to the southeast curb intersection of Oak avenue 30 feet, elev. 86.00; thence to the east line of Oak avenue 18 feet to elev. 85.64; the north curb to be as nearly the same as grade as intersections will permit.

**§ 438. (3) SEVENTH STREET.**—That the grade of Seventh street, from Park avenue eastwardly to the east line of Oak avenue, be established as follows: Beginning at a point in the northeast curb intersection of Park avenue, elev. 99.03; thence descending eastwardly at a grade of 0.80-100 for 903 feet to the northwest curb intersection of Oak avenue, elev. 91.84; the south curb to be 0.25 feet higher and as nearly parallel as the intersections will permit.

**§ 439. (4) EIGHTH STREET.**—That the grade of Eighth street, from Park avenue eastwardly to Kentucky alley, be established as follows: Beginning at a point in the northeast curb intersection of Park avenue, elev. 102.00; thence descending eastwardly to the east line of Kentucky alley, at a grade of 0.80-100, for 770 feet to elev. 95.86; south curb to be 0.20 feet higher and as nearly parallel as the intersections will permit.

**§ 440. (5) NINTH STREET.**—That the grade of Ninth street,

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**§§ 441—443. Streets—Grades.**

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from Park avenue eastwardly to the east line of Linden avenue, be established as follows: Beginning at a point in the northeast intersection of the curb of Park avenue, elev. 105.61; thence descending eastwardly, at a grade of 0.80-100 feet for a distance of 640 feet to the east line of Linden avenue, elev. 100.69; the south curb to be as nearly parallel as the intersections will permit.

**§ 441. (6) MAPLE AVENUE.**—That the grade of Maple avenue, from the south line of Ohio alley to the north line of Ninth street, be established as follows: Beginning at a point in the northwest curb intersection of Ninth street 103.46; thence descending northwardly at a grade of 0.70-100 for a distance of 1,465 feet to the southwest curb intersection of Sixth street, elev. 93.35; thence to the northwest curb intersection of Sixth street 30 feet, elev. 93.35; thence ascending, at a grade of 0.80, for 138 feet to elev. 94.45; thence descending, at a grade of 0.10-100, for 106.76 feet to the southwest curb intersection of Ohio alley, elev. 93.40; the east curb to be 0.25 feet lower and as nearly parallel as the intersections will permit.

**§ 442. (7) LINDEN AVENUE.**—That the grade of Linden avenue, from the north side of Ninth street to the south side of Ohio alley, be established as follows: Beginning at a point in the northwest curb intersection of Ninth street, elev. 100.92; thence descending northwardly, at a grade of 0.70 feet in 100, for a distance of 1,465 feet to the southwest curb intersection of Sixth street, elev. 90.87; thence to the northwest curb intersection of Sixth street 30 feet, elev. 90.62; thence ascending, at a grade of 1.0 in 100 feet, for 228 feet to elev. 92.90; thence descending, at a grade of 0.90-100, for 99.78 feet to the southwest curb intersection of Ohio alley, elev. 92; the east curb to be 0.25 feet lower and as nearly parallel as the intersections will permit.

**§ 443. (8) OAK AVENUE.**—That the grade of Oak avenue, from the north side of Seventh street to the south side of Sixth street, be established as follows: Beginning at a point in the northwest curb intersection of Seventh street, elev. 91.81; thence descending northwardly, at a grade of 100-100, for a distance of

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§§ 444—445. Streets—Names.

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516 feet to the southwest curb intersection of Sixth street, elev. 86.60; the east curb to be 0.60 lower and as nearly parallel as the intersections will permit.

§ 444. (9) INDIANA, TENNESSEE, KENTUCKY ALLEYS.—That the grade of Indiana alley, lying between Park avenue and Maple avenue and extending from Ninth street to Ohio alley, and of Tennessee alley, lying between Maple avenue and Linden avenue and extending from Ninth street to Ohio alley, and of Kentucky alley, lying between Linden avenue and Oak avenue and extending from Eighth street to Sixth street, be established as follows: That each alley shall have a continuous straight grade, in conformity with the grade of each street that they cross.

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An Ordinance to establish a system of numbering houses and fixing the names of streets in the City of Newport. (Passed January 30, 1890.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport:*

§ 445. (1) NUMBERING OF HOUSES—NAMES OF CERTAIN STREETS.—That from and after the passage of this ordinance the hereinafter described system for the numbering of the houses, and for the fixing of the names of the streets and avenues in the City of Newport, be established, and recognized as the only system for those purposes, to-wit:

That York street be the dividing line for streets running east and west, one hundred numbers to be allowed to each through square, twenty feet to a number, even numbers to be on the south side and odd numbers on the north side of said east and west streets, beginning at one, on each side of York street. That Front street or First avenue be the starting point for the renumbering of north and south streets, beginning at number 100 at Front street and allowing 100 numbers to each square, and twenty feet to each number; odd numbers to be on the east side and even numbers on the west side of said north and south streets;

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§ 445. Streets—Names.

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and hereafter the streets and avenues shall be named and known as follows, to-wit:

First street shall be the name of Front street from Saratoga street to Licking river, of Short street from Washington avenue to Saratoga street, and of Main street from Washington avenue to Bellevue town line.

Second street shall be the name of Whitten street from the Bellevue corporation line to Washington avenue, and of Eglantine street from Washington avenue to Central avenue.

Third street shall be the name of Taylor street from the Bellevue corporation line to the Licking river.

Fourth street shall be the name of Bellevue street from Park avenue to the Licking river.

Fifth street shall be the name of Madison street from Park avenue to the Licking river.

Sixth street shall be the name of Jefferson street from Park avenue to Columbia street, and of Todd street from Columbia street to Isabella street, and of Walnut street from Isabella street to Licking river.

Seventh street shall be the name of Mayo street from Monroe street to Columbia street, and of McArthur street from Columbia street to Isabella street, and of Locust street from Isabella street to the Licking river.

Eighth street shall be the name of Ringgold street from Monroe street to Isabella street, and of Goodman street from Isabella street to Lowell street.

Ninth street shall be the name of Harris street from Monroe street to Mill street.

Tenth street shall be the name of Tibbatts street from the bridge over the C. & O. R. R. east of Monroe street to the Licking river.

Eleventh street shall be the name of Williamson street from Washington avenue to the Licking river.

Twelfth street shall be the name of Liberty street from Monmouth street to the Licking river.

**§§ 446—447. Streets—Names.**

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Thirteenth street shall be the name of Ward avenue from John street to the corporation line of the city at the west line of Central avenue.

Fourteenth street shall be the name of Licking road from Monmouth street to the corporation line of the city at the west line of Central avenue.

Chestnut street shall be the name of Chestnut street from Isabella street to the Licking river, and of Lewis street from Central avenue to Isabella street.

Brighton street shall be the name of Hubbard street from Licking river to Madison street, and of Brighton street from Madison street to the south corporation line of the city.

Patterson street shall be the name of Moss street from Taylor street to Madison street, and of Patterson street from Madison street to the south corporation line of the city.

**§ 446. (2) NAMES OF CERTAIN STREETS ABOLISHED.**—The names of the following streets, avenue and road named in Section 1 are hereby abolished, to-wit: Front, Short, Main, Whitten, Eglantine, Taylor, Bellevue, Madison, Jefferson, Todd, Walnut, Mayo, McArthur, Locust, Ringgold, Goodman, Harris, Tibbatts, Williamson, Liberty, Lewis, Hubbard and Moss streets, Ward avenue and Licking road.

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An Ordinance to change the name of Southgate street, between York street and Columbia street, to Court Place. (Approved July 20, 1899.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 447. (1) COURT PLACE.**—That the name of Southgate street, between York street and Columbia street, be, and is hereby changed to Court Place.

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§§ 448 451. Streets—Names.

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An Ordinance to name an alley situate between Maple avenue and Park avenue, and extending from the Chesapeake and Ohio Railroad to Ohio alley. (Approved April 24, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 448. (1) INDIANA ALLEY.—That the alley situate between Maple avenue and Park avenue, and extending from the Chesapeake and Ohio Railroad to Ohio alley, be named Indiana alley, and that the City Civil Engineer be hereby instructed to record same on the plat-books of the city.

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An Ordinance. (Approved June 21, 1905.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 449. (1) JAMES STREET.—That the name of James alley be and is hereby changed to James street.

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An Ordinance to name an alley lying between Linden avenue and Oak avenue, and extending from Eighth street to Sixth street. (Approved April 24, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 450. (1) KENTUCKY ALLEY.—That the alley situated between Linden avenue and Oak avenue, and extending from Eighth street to Sixth street, be named Kentucky alley, and that the City Civil Engineer be hereby instructed to record same in the plat-books of the city.

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An Ordinance to name alley south of Tenth street, between Park avenue and east line of lot No. 1, Cote Brilliante Addition. (Approved February 17, 1905.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 451. (1) MARZ ALLEY.—That the alley lying south of

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§§ 452—454. Streets—Names.

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Tenth street and between Park avenue and the east line of lot No. 1, Cote Brilliante addition, be and the same is hereby named Marz alley.

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An Ordinance to name alley south of Ninth street, and between Indiana alley on the west and Linden avenue on the east. (Approved March 11, 1897.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 452. (1) MICHIGAN ALLEY.—That the alley lying 115 feet south of Ninth street, and parallel with same, and between Indiana alley on the west and Linden avenue on the east, be and is hereby named Michigan alley.

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An Ordinance to change the name of Second street, between Monmouth and Saratoga streets, to McClure Place. (Approved July 5, 1902.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 453. (1) MCCLURE PLACE.—That the name of Second street, between Monmouth and Saratoga streets, be and is hereby changed to McClure Place.

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An Ordinance to name an alley situated between Fifth and Sixth streets, and extending eastwardly from Monroe street to the east corporation limits of the city. (Approved April 24, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 454. (1) OHIO ALLEY.—That the alley situate between Fifth street and Sixth street and east of Monroe street to the corporate limits of the city be named Ohio alley, and that the Civil Engineer be hereby instructed to record same in the plat-books of the city.

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§§ 455—457. Streets—Names.

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Resolution. (Approved May 19, 1902.)

WHEREAS, The owners of all the property abutting on the following portion of Ohio alley in the City of Newport have petitioned to have same closed and abandoned; and

WHEREAS, The City of Newport has never opened or improved same;

*Be it resolved by the General Council—*

§ 455. OHIO ALLEY — PORTION ABANDONED.—That the portion of Ohio ally beginning at the southeast corner of Linden avenue and Ohio alley; thence eastwardly to where it intersects Oak street (if continued northwardly), thence northwardly 15 feet, thence westwardly to where it intersects Linden avenue, as extended through Nelson Place, be and is hereby closed and abandoned by the City of Newport, and the said city hereby releases any and all claims it may have to same.

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An Ordinance naming Oregon alley, in the City of Newport, Ky. (Approved October 31, 1900.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 456. (1) OREGON ALLEY.—That the alley lying across the east end of Fourth street, along the bank of Taylor's Creek, and extending from Waters alley to Ader alley, be and is hereby named Oregon alley.

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An Ordinance to change name of Mary alley, from Eighth street to Ninth street, to Roberts street. (Approved March 25, 1897.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 457. (1) ROBERTS STREET.—That the name Mary alley, between Eighth street to Ninth street, be and is hereby changed to Roberts street.

**§§ 458—461. Streets—Names.**Wards.

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An Ordinance to change the name of Mary alley, from Ninth street to Tenth street, to Roberts street. (Approved September 29, 1899.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 458. (1) ROBERTS STREET.—That the name of Mary alley from Ninth street to Tenth street be and is hereby changed to Roberts street.

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An Ordinance to name an alley lying between Maple avenue and Linden avenue, and extending from Ninth street to Ohio alley. (Approved April 24, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 459. (1) TENNESSEE ALLEY.—That the alley between Maple avenue and Linden avenue and extending from Ninth street to Ohio alley be named Tennessee alley, and that the City Engineer be hereby ordered to record same on the plat-books of the city.

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An Ordinance to name the alley south of Tenth street, and between Vastine alley and Monroe street. (Approved August 22, 1899.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 460. (1) VIRGINIA ALLEY.—That the alley lying immediately south of Tenth street and extending from Vastine alley to Monroe street be and is hereby named Virginia alley.

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**WARDS.**

An Ordinance to divide the City of Newport, Ky., into six (6) wards, and to prescribe the boundaries thereof. (Approved July 8, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 461. (1) WARDS—DEFINED.—That the territory comprised within the corporate limits of the City of Newport, Ky.,

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§ 461. Wards.

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shall be divided into six (6) wards, to be established and bounded as follows, to-wit:

First Ward.—Beginning at the center of the intersection of York street and the north corporation line; running thence southwardly along the center of York street to Sixth street; thence eastwardly along the center of Sixth street to the east corporation line; thence northwardly along said line to north corporation line; thence westwardly along said north corporation line to the place of beginning.

Second Ward.—Beginning at the center of the intersection of York street and the north corporation line; running thence southwardly along the center of York street to Sixth street; thence westwardly along the center of Sixth street to the west corporation line; thence northwardly along said line to the north corporation line; thence eastwardly along said north corporation line to the place of beginning.

Third Ward.—Beginning at the intersection of the center of Sixth and York streets; running thence southwardly along the center of York street to Ninth street; thence eastwardly along the center of Ninth street to the east corporation line; thence northwardly along the said line to Sixth street; thence westwardly along the center of Sixth street to the place of beginning.

Fourth Ward.—Beginning at the center of the intersection of Sixth and York streets; running thence southwardly along the center of York street to Ninth street; thence westwardly along the center of Ninth street to the west corporation line; thence northwardly along the said line to Sixth street; thence eastwardly along the center of Sixth street to the place of beginning.

Fifth Ward.—Beginning at the center of the intersection of Ninth and York streets; running thence southwardly along the center of York street to the south corporation line; thence eastwardly along said line to the east corporation line; thence northwardly along said east corporation line to Ninth street; thence westwardly along the center of Ninth street to the place of beginning.

Sixth Ward.—Beginning at the center of the intersection of

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**§§ 462—463. Water-works—General Provisions.**

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Ninth and York streets; running thence southwardly along the center of York street to the south corporation line; thence westwardly along said line to the west corporation line; thence northwardly along said west corporation line to Ninth street; thence eastwardly along the center of Ninth street to the place of beginning.

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### WATER-WORKS.

An Ordinance relating to the water-works of the City of Newport, Ky.  
(Approved September 26, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 462. (1) WATER-WORKS COMMISSIONERS — APPOINTMENT —QUALIFICATIONS— POWERS.**—That pursuant to the provisions of the charter for cities of the second class, the Water-works of the City of Newport, Ky., shall be controlled and managed by a board, styled the Commissioners of Water-works of said city, to be composed of three members appointed by the Mayor, subject to the approval of the Board of Aldermen, and having such qualifications as are required by the charter for cities of the second class; said Commissioners shall control and manage the water-works system of the city, subject to such regulations and limitations as the General Council may provide by ordinance; they may appoint and remove a Superintendent, Secretary and other necessary employees.

**§ 463. (2) ANNUAL ESTIMATE TO BE SUBMITTED.**—Said Commissioners of the Water-works shall annually on or before January 1st of each year, submit to the General Council for their information and approval, an approximate estimate of the receipts and expenditures for the water-works and shall also submit a list of the employees of said water-works, their duties and compensation and the needs of the water-works system for the year, which

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§§ 464—466. Water-works—General Provisions.

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shall be passed upon and approved by the General Council upon a call of the yeas and nays. No expenditures, other than those provided for in the annual estimate submitted by the Water-works Commissioners to the General Council, shall be incurred without the approval of a majority of members-elect of the General Council.

§ 464. (3) EXPENDITURE IN EXCESS OF ESTIMATE.—Before the making or executing of any agreement or contract by said Water-works Commissioners, incurring any expenditures in excess of the annual estimate submitted and approved by the General Council as provided for in Section two (2), they shall be required to obtain the concurrence of a majority of the members-elect of each branch of the General Council and the approval of the Mayor.

§ 465. (4) RECEIPTS — APPLICATION OF.—All excess of receipts from water rents or uses of the water, over and above the actual expenditures incurred in operating the said water-works, shall be and constitute a specific and separate fund, and which specific and separate fund shall be turned over from time to time as it accumulates to the Treasurer of the City of Newport, Ky., to be used exclusively as follows: Fifty (50) per centum for the payment of interest coupons of the bonded debt of the city created for the building of said water-works system, and fifty (50) per centum for the payment of the principal of the bonded debt of the city created for the building of said water-works system, and when said bonded debt shall have been fully redeemed, said excess shall be applied exclusively to the reconstruction of the streets and other public ways of the city, as provided in Section 30, Article 4 [§ 3104 Ky. St.] in charter of cities of the second class. (*Section as amended by ordinance of January 30, 1899.*)

§ 466. (5) TREASURER — QUORUM.—The City Treasurer shall be *ex-officio* treasurer of said board. Two members of said board shall constitute a quorum.

**§§ 467—470. Water-works—Regulations and Rates.**

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An Ordinance providing regulations and fixing rates for the Newport water-works. (Approved July 20, 1899.)

*Be it ordained by the General Council of the City of Newport, Ky.*

**§ 467. (1) APPLICATIONS.**—Parties desiring service attachments to the distributing pipes of the Newport Water-works for the purpose of introducing water into any premises, and persons desiring to use water from the water system, shall make application therefor in writing; and if the applicant is not the owner of the premises into which the water is introduced, the application must be accompanied by the written consent of such owner. The applicant shall state all purposes for which water is required; shall answer all questions asked by the authorized agent of the department relative to its consumption, and shall deposit ten dollars to cover the cost of introduction, whereupon the Water-works Secretary shall issue a written permit, granting the applicant the privilege of a service branch and the use of water, subject to this ordinance.

**§ 468. (2) SERVICE PIPE.**—The Water-works Department, after issuing the permit as provided in Section 1, shall proceed, as soon as practicable, to have properly constructed the appropriate service pipe from the main in the street to a point one foot inside the curbstone in front of the premises of the applicant, from which point the service extension shall be made to and upon the premises by a licensed plumber of the applicant's selection. The cost and expense of materials and fixtures used, and labor performed in the construction of all work, from the center of the street, shall be charged to each applicant, to which shall be added five (5) per centum of the actual cost of labor, fixtures and materials furnished.

**§ 469. (3) PERMIT TO USE WATER FROM ANOTHER'S HYDRANT.**—No person shall take or use water from hydrant not his own, or from a hydrant upon premises other than those of which he is tenant, without first obtaining a permit therefor from the Water-works Department.

**§ 470. (4) ATTACHMENTS — SIZES.**—All attachments for

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**§§ 471—473. Water-works—Regulations and Rates.**

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ordinary service shall be made with brass service cock,  $\frac{1}{2}$ ,  $\frac{5}{8}$ ,  $\frac{3}{4}$ , or 1 inch diameter of water way. For making attachments to supply water for domestic purposes, the service pipe shall be graded in size as follows: For dwellings of not more than 10 rooms,  $\frac{1}{2}$ -inch service pipe; for dwellings of more than 10 and not over 18 rooms,  $\frac{5}{8}$ -inch service pipe; for dwellings of more than 18 rooms,  $\frac{3}{4}$ -inch service pipe; for stores, one service pipe from  $\frac{1}{2}$  to  $\frac{5}{8}$  inch in diameter, according to the requirements; for laundries, livery stables, stock-yards, saloons, barber-shops, restaurants, small manufactories, etc.,  $\frac{1}{2}$  inch in diameter and upward, as the wants demand. For hotels, hospitals, railroad stations and manufactories requiring large quantities of water, the character and size of the attachments shall be determined by the Superintendent of the water-works.

**§ 471. (5) SERVICE PIPES, INSPECTION OF.**—In all cases lead service pipes shall be used between the distributing pipe and the premises to be supplied, and also upon the premises when the pipe is to be trenched, unless the pipe is above two inches inside diameter, in which case, cast-iron pipe may be used. All pipes and every stop-cock shall be subject to inspection by the Superintendent, and if defective, their introduction shall not be permitted.

**§ 472. (6) DEPTH OF SERVICE PIPE.**—Within the limits of streets the pipe shall in no case be laid at a depth less than  $3\frac{1}{2}$  feet under the surface of the street or sidewalk.

**§ 473. (7) STOP-COCKS.**—There shall be a brass stop-cock in each service attachment furnished by the Water-works Department, which shall be under its exclusive control. The stop-cock shall be placed in the line of the service pipe on the sidewalk, just inside of the curbstone, and about one foot distant therefrom. Each stop-cock shall be provided with a cast-iron key-tube and cover, to be furnished by the Department, and accessible only to its agents and employees and to plumbers who have obtained a permit to do work upon the premises. Any person tampering with said key-tube, its cover, or the stop-cock, shall be subject to the penalty provided for in this ordinance.

**§§ 474—476. Water-works—Regulations and Rates.**

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**§ 474. (8) NO HYDRANTS ON STREETS.**—No hydrant or other device for drawing water, projecting above the grade of the sidewalk (except the public hydrants located by the Water-works Department), shall be allowed on any street or sidewalk, in connection with the water pipes of the Newport Water-works. Any consumer having a hose attachment on the sidewalk may have in connection therewith a curved pipe known as a “goose-neck,” which shall be detached immediately after the use of the same ceases. The key used in connection therewith shall also be removed and the cover replaced.

**§ 475. (9) HOSE ATTACHMENTS.**—Hose attachments connected with service pipe for sprinkling streets and yards, and for washing sidewalks, walks, steps, windows, etc., shall be placed in the yard whenever practicable; when not practicable, they may be put on the sidewalk inside of the curbstone, about one foot distant therefrom. The box containing such hose attachments shall be provided with an iron cover, suitably attached, and placed on a level with the grade of the sidewalk. No permit shall be issued for hose attachment alone. No street sprinkling with hand hose shall be allowed except in connection with the ordinary supplies for domestic and manufacturing purposes. All premises having hose attachments for street sprinkling only, shall be assessed at the established rates for all purposes for which water may be used upon such premises from such hose attachment.

**§ 476. (10) SPRINKLING CARTS.**—All persons desiring to sprinkle streets from carts supplied with water from the water-works, shall first obtain a license from the Water-works Commissioners for each cart used for that purpose, and shall give bond with approved sureties in the sum of \$300, guaranteeing that water from sprinkling carts shall be used for no other purpose than street sprinkling. The license granted for each cart shall be for sprinkling a specified number of squares, naming the said squares in the license; and each cart shall have printed, with white paint, on both sides, about midway of the carts, the name of the owner, and underneath it the word “Licensed” with the number (in Arabic

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**§§ 477—482. Water-works—Regulations and Rates.**

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numerals) of the license, both the letters and figures to be legible at a distance of 60 feet. Permits for attachments to supply street sprinkling carts shall be granted to licensed sprinklers. The number and capacity of the carts, and the localities within which they may operate, shall be determined by the Water-works Department.

**§ 477. (11) WATER FIXTURES ON PREMISES.**—On premises supplied with water, the fixtures, such as hydrants, draws, wash-basins, etc., may be such as shall best suit the convenience of the consumer, provided that they are not so constructed as to unnecessarily waste water.

**§ 478. (12) BRANCH SERVICES.**—Whenever water is furnished at survey rates, branch service for hydrants, stop-cocks, draws, or any other device used to supply more than one house or premises, shall not be permitted.

**§ 479. (13) EXTENSIONS AND ALTERATIONS.**—No extension or alteration in the water fixtures of any consumer shall be made without a written permit being first obtained from the Water-works Department by the plumber engaged to do the work.

**§ 480. (14) LOCATION OF HYDRANTS, ETC.**—No hydrant, hose attachment, faucet, or any other device for obtaining water from the service pipes shall be so located as to afford the public or parties occupying adjacent premises ready access to them.

**§ 481. (15) RE-ISSUES.**—No plumber or other person shall make any attachment to any old pipe or water fixture on premises from which the water has been shut off, unless the party desiring such work shall first make application and obtain a permit for the same.

**§ 482. (16) ADDITIONS AND ALTERATIONS.**—No person shall make alterations in any pipe or water fixture attached to the distributing pipes, to conduct water into adjoining premises, or into stables, baths, water-closets, fountains, or for any other purpose whatever without application having been first made and a written permit obtained from the Water-works Department for each separate job of such alteration, and the plumber, after the completion

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**§§ 483—486. Water-works—Regulations and Rates.**

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and test of any job of plumbing, shall in all cases close the stop-cock on the sidewalk, and return his permit with the proper report setting forth, in case of first introduction, the purposes for which the water is to be used, and the number of draws, etc., and, in case of an extension or alteration, the nature of such extension or alteration.

**§ 483. (17) FILLING CISTERNS.**—A person whose premises have not been assessed survey rates, or whose consumption of water is not measured by meter, may fill his cistern from the water works after obtaining a permit for each time such cistern is to be filled, and paying for such water.

**§ 484. (18) HAND HOSE—USE OF.**—The flooding of streets and gutters, the sprinkling of streets, yards and gardens, and the washing of sidewalks, steps, windows and fronts, with hose nozzle larger than  $\frac{1}{4}$  of an inch in diameter, the use of any other than spray nozzle in the sprinkling of brick streets, the use of leaky hose attachments, broken caps and boxes, and the suffering of water to run when not in use, are hereby prohibited.

**§ 485. (19) FIRE PROTECTION.**—Connection with the distributing pipes to supply hydrants, stand pipes, etc., for the extinguishment of fire, may be made upon the written application of any person. Such connection shall not be more than four inches in diameter. All work pertaining thereto, from the street main to the curbstone, shall be done by the Water-works Department; and the cost of such labor and of all materials used, together with an addition of 5 per centum, shall be borne, as provided in Section 2 of this ordinance, by the applicant. Water from such fire hydrants, stand pipes, etc., shall not be used for any other purpose than that specified in the permit.

**§ 486. (20) REPAIRS.**—Every consumer of water shall keep his service pipe, stop-cocks, stop-cock key boxes and covers, and all other apparatus in good condition and repair. Should the stop-cock box contain debris, and, by reason thereof, it becomes necessary to take up such box to clean the same, the cost of recleaning

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§§ 487—491. Water-works—Regulations and Rates.

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and resetting shall be borne by the property owner, when the cause for such cleaning and resetting is known to be the fault of owner.

§ 487. (21) FOUNTAINS.—Permits for fountains shall be issued semi-annually. Each such permit shall specify the hours that the fountain will be permitted to play. The supply pipes to all fountains shall be provided with stop-cocks, under the control of the Water-works Department. Assessments of fountains shall be for the period for which the permit is granted. At the expiration of such period the water shall be turned off, unless another permit is granted.

§ 488. (22) BOILERS.—Steam boilers receiving their supply of water directly from the service pipe, and depending upon the hydraulic and hydrostatic pressure of the water-works, shall be at the risk of the owners thereof. Hydraulic elevators, water motors, and all other machines the motive power of which is water obtained from the water-works, shall be provided with a meter.

§ 489. (23) BUILDERS' PERMITS.—Permits to use water for building purposes shall be issued upon application by the owner, architect, agent or contractor. The applicant must state, on blanks furnished by the Department, what stone-work, brick-work, concrete, plastering, etc., is to be done. Payment therefor shall be made in advance, at the established rates. Should a contractor, builder or owner fail to get the prescribed permit for the use of water, the Water-works Department shall make an assessment for the water consumed in the work, and the amount of such assessment shall be charged to the owner of the property, and such owner shall not be granted water privileges until such charges are paid.

§ 490. (24) WATER TANKS.—Where water is received into tanks, and the building thence supplied, such tanks shall be kept water-tight, and the supply pipes to the same shall be provided with ball-cocks, which must be kept in working order.

§ 491. (25) METERS.—The Water-works Commissioners may, at their option, permit the consumer of water to have a meter

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**§ 492. Water-works—Regulations and Rates.**

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attached to his service pipe, or said Commissioners may attach meters whenever they deem it necessary to prevent the unnecessary or careless waste of water; or said Commissioners may remove, or cause the removal of, any meter and charge survey rates, whenever they shall deem it to the best interest of the Water-works Department. When a meter is attached at the request of the consumer, it shall be done at his expense; when by order of the Commissioners, the latter shall bear the expense, and the meter shall remain the property of the Water-works Department. For supplying water to tenement houses, block buildings, flats, and buildings or premises constructed and arranged in a similar manner and occupied by a number of tenants, one service pipe and one meter only may be used, and the water shall be charged to the owner of such building or premises. If any meter fails to correctly indicate the quantity of water consumed, then the quantity of water used during such time as the meter was disabled shall be assessed by the Water-works Department. No person, other than an authorized agent of the Department, shall do any work upon or in any way interfere with any meter used in measuring water from the water-works.

**§ 492. (26) ASSESSMENTS AND PAYMENTS.**—After the plumbing work is finished, and returns made by the plumber are found to agree with the survey made by the Water-works Department, the assessments shall be made according to the established rates for the period of one year, and payment shall be made in advance for the time intervening between the date of turning on the water and the date of the next semi-annual prepayment of water rates. Survey water rates shall be paid in advance to April 1st and October 1st of each year. The survey water rates shall be payable during the first ten days of April and October of each year, at the office of the Secretary of the Water-works Department. Consumers of water having meters shall pay their bills monthly or quarterly, as may be required by the Water-works Department. Meter rates shall be payable within ten days after bills therefor have been rendered, and such consumers may be required

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§§ 493—497. Water-works—Regulations and Rates.

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by the Department to make a deposit of money sufficient to secure the payment of water rates.

§ 493. (27) ENFORCEMENT OF RULES AND REGULATIONS.—These rules and regulations shall be enforced by such officers and agents as the Commissioners may appoint. For the purpose of making assessments, or assessments and inspection, such officers and agents shall have access, at proper hours of the day, to all premises supplied with water from the water-works.

§ 494. (28) CONSTANT FLOW OF WATER.—The flow of water into watering-troughs in excess of what may be necessary to supply the actual wants of stock is prohibited. The continuous flow of water from hydrants, faucets, draws, water-closets, urinals, or any other apparatus connected with the service pipe, is also prohibited. Permitting the use of water for any other purpose than specified in the permit, permitting leaks and permitting water to run unnecessarily, will in each case be followed by the stoppage of water and the infliction of the penalties prescribed herein.

§ 495. (29) PENALTIES.—Any consumer violating or permitting the violation of any of the rules and regulations governing the introduction, supply and consumption of water, shall, in addition to the fine hereinafter imposed, have the water supply shut off, and it shall not be turned on again until the expenses incident to such shutting off and turning on, as provided by ordinance, shall have been paid. In case of repeated violations of said rules, the service attachment shall be withdrawn from the distributing pipe.

§ 496. (30) PENALTIES.—Any person violating any of the provisions of this ordinance shall be fined not less than one dollar nor more than fifty dollars for each offense; such fine to be imposed and recovered by the City Police Court.

§ 497. (31) METER RATES.—All consumers having meters shall be charged 15 cents per thousand gallons, but special meter rates may be made to any manufacturer by the Commissioners of Water-works [at not less than seven cents per thousand gallons.] (*Words in brackets added by amendment, August 10, 1899.*)

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### § 498. Water-works—Regulations and Rates.

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(See also Sections 503, 506, 507 and 509, for changes and additions to this section.) \*

§ 498. (32) SURVEY RATES.—The rates for water in the City of Newport, Ky., when no meter is used shall be as follows:

For a dwelling-house occupied by one family, containing one or two rooms, \$4 per annum; three or four rooms, \$5 per annum; five or six rooms, \$6 per annum; dwelling-houses containing more than six rooms and less than seventeen, shall be charged at the rate of \$1 per room, and those containing more than sixteen rooms shall be charged at the rate of 50 cents for each additional room.

Dwelling-houses occupied by more than one family shall be charged at the above rates for one family, and \$2.50 for each additional family.

Boarding-houses shall pay the same rates as above for houses containing the same number of rooms, and 50 cents additional for each room.

For public baths—cold, \$6; warm, \$8 per annum.

For private baths—cold, \$3; warm, \$6 per annum.

For water-closets in public houses, \$5 to \$10 per annum; in private houses, \$3 per annum.

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\* Note.—Pursuant to this section the rates to manufacturers were fixed by the Commissioners of Water-works as follows:

*Be it resolved by the Board of Commissioners of Water-works of Newport, Ky.,* That pursuant to and under authority of an ordinance regulating and fixing the rates for water sold to sundry consumers, approved July 20, 1899, the said Board of Commissioners here and now agrees to establish the following rates to be charged to all local manufacturers consuming water, to-wit:

Annual consumption under 300,000 gallons, fifteen cents per thousand.

Annual consumption from 300,000 to 600,000 gallons, twelve cents per thousand.

Annual consumption from 600,000 to 1,000,000 gallons, eleven cents per thousand.

Annual consumption over 1,000,000 gallons, ten cents per thousand.

Those residing outside the city limits shall be added 25 per centum, as prescribed in above quoted ordinance.

*Be it further resolved,* That all rates in conflict with aforesaid resolution are hereby repealed. (*Adopted March 23, 1904.*)

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§§ 499—501. Water-works—Regulations and Rates.

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For stationary washstands with hydrant attachments—public, \$5; private, cold, \$1; warm, \$2; and barbers' washstands, \$3 per annum.

Plug and hose hydrants for street sprinkling purposes, \$3 for each house of 30 feet front or less, per summer season; and for all fronts exceeding 30 feet, at the rate of 6 cents for each additional front foot. Corner buildings shall be charged the above rates for both streets. Rates for hose plugs and hose hydrants shall be paid in advance on April 1st of each year.

Barber shops, \$2 per annum for each chair

For transient and wagon-yard stables, \$2 per annum for each stall.

Smith shops, \$2 per annum for each forge.

For each carriage, buggy or wagon, \$1 per annum.

For each horse and each cow, \$1.50 per annum.

For saloons, from \$5 to \$20 per annum.

For offices, stores and schools, \$2 to \$10 per annum.

For each water-trough, \$6 per annum, payable one year in advance, and no abatement shall be made for any part of the year that such trough is not in use.

Brick-work, ten cents per thousand; plastering, three cents for each bushel of lime used; and stone work, three cents for each perch.

§ 499. (33) RATES — BAKERIES, ETC.—Bakeries, fountains, plugs, other than for street sprinkling; restaurants and urinals, shall be assessed. All manufacturers and large consumers of water shall be assessed according to the size of the establishment; and for every fifty hands employed an additional charge of \$5 per annum shall be made, or the amount shall be determined by meter, as hereinbefore provided.

§ 500. (34) RATES — OUTSIDE CONSUMERS.—All consumers outside of the corporate limits shall pay the rates fixed by this ordinance and 25 per centum in addition thereto.

§ 501. (35) RATES — PAYMENT OF.—The water shall not be turned on until the rates are paid in advance. If the subsequent rates are not paid within ten days after they become due, the water

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§§ 502—505. Water-works—Regulations and Rates.

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may be shut off; and where there is a cistern on the premises, the water shall not be turned on again until the rates up to the time of such turning on again are paid; and where there is no cistern, the rates due up to the time when the water was turned off shall first be paid; and when the service stop-cock has been withdrawn, \$5 shall be charged for resetting the same. In all cases where the water is turned off because of delinquency in the payment of water rates, or on account of abuse of water privileges, the consumer shall pay one dollar to defray the cost of turning off and on.

§ 502. (36) REPEALING CLAUSE.—All ordinances, parts of ordinances, all rules and regulations, or parts of rules and regulations in conflict with this ordinance are hereby repealed, and this ordinance shall take effect and be in force from and after its passage and approval.

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An Ordinance fixing water rates of the City of Newport for hydraulic elevators. (Approved December 6, 1899.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 503. (1) WATER RATES — HYDRAULIC ELEVATORS.—That each person or persons having and using hydraulic elevators in the City of Newport shall pay at the rate of ten (10) cents per thousand gallons of water of said city consumed in the operation of same.

§ 504. (2) OUTSIDE CONSUMERS.—Any person or persons having and using such hydraulic elevators outside the corporate limits of said city shall pay such additional rate to that prescribed in Section 1 hereof as is required and provided for by ordinance of other consumers of water outside said corporate limits.

§ 505. (3) RULES AND REGULATIONS.—Each person or persons named herein shall be subject to all the rules, regulations and laws governing the Water-works Department of said city, and this ordinance shall take effect and be in force from and after its passage.

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§§ 506—509. Water-works—Rates.

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An Ordinance fixing meter rates for water rents in the City of Newport, Ky. (Approved July 16, 1902.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 506. (1) WATER RATES.—That all consumers of water supplied by the Water Works Department of the City of Newport by meter measurement shall be charged a uniform rate of fifteen cents per one thousand gallons consumed, except when the quarterly consumption is less than ten thousand gallons, when a minimum quarterly rate of \$1.50 shall be charged. When two or more premises are supplied with one meter, and the quarterly consumption is in the aggregate less than one thousand gallons, then for each house there shall be charged the above minimum quarterly rate of \$1.50.

§ 507. (2) EXCEPTION.—This ordinance shall not apply to manufacturers or large consumers, but they shall be governed by the rates as heretofore fixed.

§ 508. (3) REPEALING CLAUSE.—All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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An Ordinance fixing the rate for water works of the City of Newport, Ky., to large consumers other than manufacturers. (Approved April 18, 1904.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 509. (1) WATER RATES — LARGE CONSUMERS.—That the meter rates for large consumers of water be, and the same are hereby established as follows:

Those using from three hundred thousand (300,000) to two million five hundred thousand (2,500,000) gallons annually, twelve (12) cents per thousand gallons; those using over two million five hundred thousand (2,500,000) gallons annually, ten (10) cents per thousand gallons.

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§§ 510—512. Water-works—Rules for Plumbers.

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§ 510. (2) REPEALING CLAUSE.—Any ordinance or part of ordinance in conflict herewith is hereby repealed.

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An Ordinance providing rules to govern persons engaged in the business of plumbing in the City of Newport, Ky., and prescribing penalties for their violation. (Approved March 31, 1899.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 511. (1) PLUMBERS — LICENSE — PERMIT. — No person shall lay any service pipe, or do any kind of plumbing connected with the introduction and supply of water from the water works, unless he is licensed by the Commissioners of Water Works to do business as a plumber, and has first obtained written permits from the Water Works Department for each separate job of plumbing which he may wish to perform.

§ 512. (2) LICENSE — APPLICATION.—Any plumber wishing to do business in connection with the Newport Water Works shall, before receiving license to do so, file in the office of the Superintendent of Water Works his application in writing, giving the name of the applicant and the place of business, and asking to become a licensed plumber in connection with the water works.

The application must contain satisfactory evidence that the applicant is a competent plumber, and is willing to be governed by the rules and regulations which have been or may be provided by ordinance; and every plumber shall not only be subject to the rules and regulations which now exist or may hereafter be passed by the General Council, but he shall also enter into covenant, with one or more sureties, to be approved by the Commissioners of Water Works, to indemnify and save harmless the City of Newport from all accidents, damages and losses which said city may sustain by reason of any neglect or imperfection of work on his part, and that he will conform to and be governed by such rules and regulations as may be adopted by said Commissioners and the General Council.

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§§ 513—516. Water-works—Rules for Plumbers.

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All licenses granted shall expire December 31st annually, and each plumber desiring to continue his business must make application for the renewal of license in December of each year.

A fee of one dollar shall be charged for issuing each license hereunder.

§ 513. (3) LAYING SERVICE PIPE.—In removing sidewalk paving and in opening trenches for laying service pipe and making repairs or extensions, the stone, brick, sand, gravel, earth, and whatever other material may have to be penetrated and passed, must be removed, and shall be replaced in proper condition, so as to leave the sidewalk in perfect repair, and the plumber shall be required to keep it so for the space of one year from the date of such work. No trench or hole in any sidewalk shall be left open during the night.

§ 514. (4) PLUMBERS' RETURNS.—Plumbers shall make full and complete returns of the uses to which water is applied under each permit granted. Said returns shall be made by the plumber doing the work within twenty-four hours after the completion of said work. The water shall not be turned on until after said return is made and the work reported to be in accordance with the rules and regulations herein prescribed.

§ 515. (5) STOP-COCK.—When any work in connection with the water service of any premises which have been reported upon is done by any plumber, and in the prosecution thereof the stop-cock is turned, the service shall be left in the same condition, with reference to the water being turned on or off, in which it was when such work was commenced, unless the Water Works Department direct otherwise.

§ 516. (6) STOP-COCK BOXES.—For the purpose of removing stop-cock box covers whenever necessary, plumbers shall in all cases use the proper key or wrench for each of the several kinds of covers which are now or may hereafter be put in use; and no cold-chisel or other improper tool shall be used for such purpose. Covers when replaced must be firmly secured, so that the same can not be removed by hand, and when this is impos-

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§§ 517—519. Weights and Measures.

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sible, by reason of the cover being in bad order, it shall be the duty of the plumber to at once report the fact to the Water Works Department.

§ 517. (7) FINES AND FORFEITURE.—Any plumber violating this ordinance, or who shall, either voluntarily or at the request of any consumer or subscriber, introduce any pipe, hydrant, bath, water-closet, urinal, or any other device or fixture, without a permit issued by the Water Works Department, shall forfeit his license, and the same shall not be renewed, nor shall he be allowed to do business, either for himself or for any other plumber, in connection with the water works until after the expiration of thirty (30) days from the time his said license became so forfeited, when the same may be renewed; and he shall be further subject to a fine, to be imposed by the city police court, of not less than \$10 nor more than \$50 for each and every offense.

Any person other than a licensed plumber who does any plumbing connected with the distributing system of the water works shall be subject to a fine, to be imposed by the city police court, of not less than \$25 nor more than \$75 for each and every offense.

§ 518. (8) REPEALING CLAUSE.—That all ordinances or parts of ordinances conflicting herewith be, and the same are hereby repealed, and this ordinance shall take effect and be in force from and after its passage and approval.

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### WEIGHTS AND MEASURES.

An Ordinance regulating weights and measures in the City of Newport, Ky.  
(Approved September 18, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 519. (1) WEIGHTS AND MEASURES — TESTED.—That the weights and measures of all articles sold or bought in the City of Newport shall be weighed and measured upon scales or meas-

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 § 520. Weights and Measures.
 

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ures duly tested, sealed and stamped by the Marketmaster of the City of Newport.

§ 520. (2) BUSHEL — WEIGHTS OF VARIOUS ARTICLES.—The following shall be the standard of weights and measures in said city, and the following weights shall constitute a bushel of each article named, respectively:

Wheat .....	60 pounds
Shelled corn.....	56 pounds

Corn in the ear, seventy pounds from the 1st of November to the 1st of May following, and from the 1st of May to the 1st of November following, sixty-eight pounds.

Rye .....	56 pounds
Shelled oats.....	32 pounds
Barley .....	47 pounds
Irish potatoes.....	60 pounds
Sweet potatoes.....	55 pounds
White beans.....	60 pounds
Castor beans.....	45 pounds
Clover seed.....	60 pounds
Timothy seed.....	45 pounds
Flax seed.....	56 pounds
Millet seed.....	50 pounds
Peas .....	60 pounds
Blue grass seed.....	14 pounds
Buckwheat .....	56 pounds
Dried apples.....	24 pounds
Dried peaches.....	39 pounds
Onions .....	57 pounds
Bottom onion sets.....	36 pounds
Salt .....	50 pounds
Stone coal.....	76 pounds

The term coal includes anthracite, cannel, bituminous, and other mined coal.

Bran .....	20 pounds
Plastering hair.....	8 pounds
Turnips .....	60 pounds
Unslackled lime.....	35 pounds
Cornmeal .....	50 pounds

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 §§ 521—525. Weights and Measures.
 

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Fine salt.....	55 pounds
Hungarian grass seed.....	50 pounds
Ground peas.....	24 pounds
Orchard grass seed.....	14 pounds
English blue grass seed.....	14 pounds
Hemp seed.....	44 pounds

§ 521. (3) IRISH POTATOES — POUNDS TO BARREL.—One hundred and sixty pounds net of Irish potatoes shall constitute a merchantable barrel.

§ 522. (4) COAL — PENALTY FOR SELLING UNSCREENED FOR SCREENED.—Any person selling unscreened coal for screened coal shall be subject to a fine of not less than five nor more than twenty dollars, recoverable by warrant before the Police Judge.

§ 523. (5) FALSE WEIGHTS, USING — PENALTY.—Any person who shall buy or sell by any weight, balance or measure that does not correspond to and agree with the standard weights and measures adopted by the city, or shall keep the same for the purpose of buying and selling therewith, shall be fined four dollars for each offense, or a like sum for every month he may continue to keep the same.

§ 524. (6) HUNDRED-WEIGHT.—The hundred-weight shall consist of one hundred pounds avoirdupois, and two thousand such pounds shall constitute a ton, and all contracts hereinafter made shall be construed accordingly, unless the contrary be stipulated.

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An Ordinance prescribing a penalty for the use of any other carts or wagons for hauling and delivering coal to purchasers in the City of Newport than those of a certain size and capacity. (Became a law by passage over Mayor's veto March 18, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 525. (1) COAL, CARTS — SIZE.—That all persons residing in or out of the City of Newport, who shall hereafter run any cart or carts, wagon or wagons, in or into said city, for the haul-

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§§ 526—529. Weights and Measures.

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ing of or delivering of coal to purchasers thereof, shall use said cart or carts, wagon or wagons, of the following sizes and capacities, to-wit: Twelve and one-half bushels, or twenty-five bushels, or fifty bushels, or one hundred bushels, and no other size or sizes or capacities, and a bushel shall be a lawful bushel according to the standard of weights and measures of the said city.

§ 526. (2) PENALTY.—Any person or persons violating the first section of this ordinance shall, upon conviction, be fined in any sum not less than five dollars nor more than twenty-five dollars and costs of prosecution.

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An Ordinance regulating the sale of coal within the City of Newport, Ky.

(Approved April 11, 1898.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 527. (1) COAL—SALE BY BUSHEL.—That any person who shall, within the limits of the City of Newport, sell any coal by the bushel or bushels of a weight less than seventy-six pounds avoirdupois to the bushel shall, for each offense, be fined four dollars upon conviction in the police court of said city. The term coal shall include anthracite, cannel, bituminous, and other mined coal.

§ 528. (2) COAL—DUTIES OF MARKETMASTER.—For the purpose of more effectively enforcing the provisions of this ordinance, the Marketmaster and the police of said city are hereby authorized and empowered to inspect, at all times and places, coal sold and being delivered in said city, and when deemed necessary, any such coal so sold and being delivered may be ordered by said Marketmaster or police taken to the said city's public scales and weighed.

§ 529. (3) PENALTY.—Any person refusing to permit the Marketmaster or any of the police of the city to inspect any coal under his charge and about to be delivered by him as heretofore provided, or shall refuse, after being lawfully ordered, to imme-

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**§§ 530—532.** Scales.

diately convey such coal to the said public scales to be weighed, shall be subject to immediate arrest, and upon conviction of same in the city court shall be fined not less than ten nor more than twenty-five dollars for each offense.

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An Ordinance concerning retail dealers in coal. (Approved August 8, 1905.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 530. (1) COAL—SOLD BY BUSHEL—TESTED SCALE.—That any and all persons, firms or corporations dealing in coal in the City of Newport, Ky., dealing out and selling same, shall be required to have upon their wagon or other conveyance used in carrying and delivering coal by the bushel, a tested scale, and he shall weigh and sell coal per bushel according to the standard weights and measures in the United States and the State of Kentucky.

§ 531. (2) PENALTY.—That any person, firm or corporation violating the provisions of this ordinance shall be fined in a sum not to exceed twenty-five dollars, in the discretion of the Police Judge.

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An Ordinance prescribing a penalty for using private scales for public purposes. (Approved August 17, 1896.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 532. (1) PRIVATE SCALES—PENALTY FOR USING FOR PUBLIC PURPOSES.—That any person or persons in the City of Newport, who shall use any private scales for weighing wood, coal, lime, hay, or any other articles whatever, which either are now or which may hereafter be brought to said city for sale, shall, upon due conviction thereof in the police court of said city, be fined in a sum not more than twenty dollars nor less than ten dollars and costs of prosecution.

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§§ 533—537. Wharves.

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### WHARVES.

An Ordinance fixing the rates of wharfage in the City of Newport, Ky., and the mode of enforcing the collection of same and penalties thereon.  
(Approved November 6, 1894.)

*Be it ordained by the General Council of the City of Newport, Ky.*

§ 533. (1) IMPROVED WHARVES—RATES.—That each steamboat, keelboat and model barge, landing at any of the improved wharves of the City of Newport, shall pay to the said city for wharfage for each twenty-four hours or any part thereof the following rates, to-wit: Each steamboat, keelboat or model barge of fifty tons and less than three hundred tons, \$2.50; each steamboat, keelboat or model barge of three hundred tons and less than five hundred tons, \$3; each steamboat, keelboat or model barge of five hundred tons and less than seven hundred tons, \$5.

§ 534. (2) WHARF—SECTIONS—RATES.—That the improved wharf from the western limit of Columbia street up the Ohio River is hereby divided into sections of one hundred and forty feet each for the use of coal barges, flatboats, stoneboats, woodboats or sandboats, and the tenant shall pay for the use of each section for wharfage the sum of nine dollars per week.

§ 535. (3) LUMBER, ETC., CRAFT—RATES.—That lumber and log rafts landing at any of the improved wharves of the city shall pay for each twenty-four hours, or any part thereof, for wharfage, forty cents for each sixteen feet in length of said raft.

§ 536. (4) RATES PER TWENTY-FOUR HOURS.—That all boats and other craft landing at other than the improved wharves shall pay for each twenty-four hours, or any part thereof, for wharfage at an amount equal to one-fourth the above rates.

§ 537. (5) WHARFMASTER—DUTIES—POWERS.—The Wharfmaster, or such other officer of the city as may have charge of the wharves, shall, in case of a failure or refusal to pay the charges aforesaid, take charge and possession of the boat, barge or other craft, and hold the same, its tackle and furniture, or so much

**§§ 538—539. Wharves.**

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thereof as may be sufficient, until the wharfage fees and costs are paid, and may therefor file suit before any court having jurisdiction against the owner and person in charge, and proceed to judgment and sale of the said property to satisfy said claim.

**§ 538. (6) WATER CRAFT USED AS DWELLING — RATES — PENALTY.**—That any person occupying any of the wharves, or any portion thereof, with any boat or watercraft of any kind to be used or occupied as a residence or dwelling, shall pay the sum of one hundred dollars per month for each month of occupancy, and at the same rate for any part of a month, which said sum shall be paid in advance by the person for the time he or she, or the owner or occupant thereof, desires to occupy said wharf with said craft, and same can be collected by civil process, and for failure to pay same, upon conviction the person so failing shall be fined fifteen dollars for each day so occupying said wharves without having paid said wharfage.

**§ 539. (7) REPEALING CLAUSE.**—All ordinances in conflict herewith are hereby repealed.

## P A R T I V .

Special Ordinances of the City of Newport.



# SPECIAL ORDINANCES.

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## *Subjects—*

Bridges.  
Light.  
Railways.  
Railways — Private.

## *Subjects—*

Street Railways.  
Telegraph and Telephone.  
Tax, Exemption.  
Turnpikes.

Water Works.

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## BRIDGES.

An Ordinance granting to the Central Railway and Bridge Company the right to construct and operate a bridge across the Ohio river from Newport, Ky., to Cincinnati, O. (Passed June 7, 1888.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. **RIGHT OF WAY.**—That in consideration of the building of a bridge between the cities of Newport and Cincinnati, and the benefits resulting therefrom, the right of way is hereby granted to the Central Railway and Bridge Company to construct and operate a bridge from Taylor street, between York and Columbia streets, in Newport, Ky., across the Ohio river to Cincinnati, and to use such parts of Taylor, Eglantine and Front streets, and the Public Landing west of York street, as may be necessary for the construction and operation thereof, provided that said bridge shall cross Front street at an altitude of not less than sixteen (16) feet, and shall cross Eglantine street at an altitude of not less than eleven (11) feet, and so as not to obstruct the public landing more than is necessary for the construction of a pier or piers thereon.

Sec. 2. **TAX EXEMPTION.**—Said bridge, its properties and appurtenances necessary to be used and purchased in the construction, shall be exempt from taxation during construction only, but shall be subject to taxation thereafter.

**Bridges—Central Railway and Bridge Company.**

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Sec. 3. BRIDGE—KIND OF—DISCRIMINATION FORBIDDEN.— Said bridge shall be constructed for foot passengers, vehicles and street cars, and there shall be no discrimination in favor of or against any person or corporation, but no steam cars shall be allowed to run over this bridge.

Sec. 4. RIGHTS RESERVED TO CITY.—The city reserves the right to make all necessary improvements in the way of drainage, sewerage, water and gas privileges, and in case the construction of the bridge shall render it necessary to make changes in the above improvements, it shall be at the expense of said bridge company, and the said city shall not be liable in damages to either person or property by reason of the construction of said bridge, but for all such damages the bridge company shall be alone liable.

Sec. 5. RATES OF TOLL.—In consideration of this grant, the rates of toll over said bridge shall be as follows: For each vehicle drawn by one horse, ten (10) cents for each crossing, or eleven (11) tickets for one dollar; for each vehicle drawn by two horses, fifteen (15) cents for each crossing, or seven (7) tickets for one dollar; for each vehicle drawn by three horses, twenty (20) cents for each crossing, or five (5) tickets for one dollar; for each vehicle drawn by four horses, twenty-five (25) cents for each crossing, or four (4) tickets for one dollar; for foot passengers, one hundred (100) coupon crossings for one dollar, fifty (50) coupon crossings for fifty cents, twenty-five (25) coupon crossings for twenty-five cents, ten (10) coupon crossings for ten cents, and four (4) single tickets for five cents, and children under six years of age to go free when accompanied by parents or guardian.

Sec. 6. TIME OF COMPLETION.—Said bridge shall be constructed and completed within four years from the passage of this ordinance, but the work and construction thereof shall be commenced within one year, and be continued proportionably to completion.

Sec. 7. WHEN TO TAKE EFFECT.—This ordinance shall take effect from and after its passage.

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Bridges—Central Railway and Bridge Company.

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An Ordinance granting to the Central Railway and Bridge Company the right to change the grade of York and Third streets, in Newport, Ky., so as to conform to the grade of the bridge at its intersection with said streets. (Passed June 8, 1891.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. RIGHT TO CHANGE STREET GRADES.—That the privilege is hereby granted to the Central Railway and Bridge Company to change the grades of York and Third streets in said city so as to conform with the approach of said bridge, and the grade thereof, at its intersection with said streets, said change so to be made and done at the sole cost and expense of said bridge company, and under the supervision and approval of the City Engineer of the City of Newport, and in accordance with the plans and specifications hereto attached and made part of this ordinance.

Sec. 2. CITY HELD HARMLESS.—That the Central Railway and Bridge Company are to hold the City of Newport harmless by reason of any damage by the changes hereby contemplated.

Sec. 3. NO STREET RAILWAY TRACK TO BE LAID.—That no street railway tracks shall be laid under the provisions of this ordinance.

Sec. 4. WHEN TO TAKE EFFECT.—This ordinance shall take effect from and after its passage.

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An Ordinance granting to the Kenton County and Campbell County Bridge Company the right to construct and maintain an approach to its bridge across the Licking river, on Eleventh street west of Brighton street. (Passed November 17, 1892.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. RIGHT OF WAY.—That there be and is hereby granted unto the Kenton County and Campbell County Bridge

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Bridges—Kenton County and Campbell County Bridge Company.

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Company the right to construct and maintain an approach to its bridge crossing the Licking river, on the central twenty-two feet of Eleventh street, from the west line of Brighton street to the west line of Lowell street, and then along Eleventh street to the bridge company's property on the south side thereof; *provided*, that the said approach shall not take up at any place more than twenty-two feet of the street, and shall leave a space of twenty-two feet from the line of lots on said Eleventh street and the approach to the bridge, except, however, that west of Lowell street it may use the street immediately in front of its own property, leaving, however, twenty-two feet clear in front of the property on the opposite side of the street; and *provided, further*, that no pier or abutment shall be built on Lowell street, but it shall be bridged, and the lowest part of the bridge structure shall be at least sixteen and one-half feet above the top of the rail of the switch track of the Louisville and Nashville Railroad as now laid; and *provided, further*, that should Lowell street be improved by original construction, then said bridge company, at its own proper cost, shall either raise said approach so as to be sixteen and one-half feet between the crown of the street and the lowest part of the bridge structure, or lower said approach to the grade of Lowell street so improved.

Sec. 2. BOND REQUIRED.—Before any work shall be done on said approach, the said Kenton County and Campbell County Bridge Company shall execute, with good security, to be approved by the Board of Councilmen, a bond, conditioned that the obligors therein will save the city harmless from any loss, damages or expense that may be incurred by the city in any proceeding by property holders abutting on said street, or by any other persons whatsoever, arising from the granting of the rights herein conferred.

Sec. 3. WHEN TO TAKE EFFECT.—This ordinance shall take effect and be in force from and after its passage and approval.

(*Bond accepted November 17, 1892.*)

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Bridges—Newport and Cincinnati Bridge Company.

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An Ordinance granting the Newport and Cincinnati Bridge Company the use of a portion of a street for the purpose of a bridge. (Passed May 12, 1868.)

*Be it ordained by the City Council of the City of Newport, Ky.*

Section 1. RIGHT OF WAY.—That a perpetual grant is hereby made to the Newport and Cincinnati Bridge Company of such portion of Saratoga street, if found practicable, and if not so found, then of any other street in said city between the Licking river and the east line of East Row street, as may be necessary for the construction of the abutments, superstructure and approaches to said bridge, and for the use and operation thereof.

Sec. 2. BRIDGE—KIND OF.—Said bridge shall be constructed and used for the passage of vehicles and foot passengers across the Ohio river, and for railroad purposes.

Sec. 3. RIGHTS RESTRICTED — WHARF, PORTION OF GRANTED.—This ordinance shall vest in said company only such rights and privileges as the City of Newport may lawfully grant in such streets for the uses and purposes before mentioned, and said bridge shall be constructed so as to prevent as little obstruction as possible to the ordinary use of such streets; and the said company shall have the free use of the unimproved wharf, east of Monmouth street, as they may need in the construction of said bridge, not to exceed two years from the passage of this ordinance.

Sec. 4. RATES OF TOLL.—In consideration of the foregoing grant, the rates of toll over said bridge shall be as follows, viz.: Packages of one hundred tickets, to foot passengers, one dollar to all persons who apply for the same; one horse and dray, ten cents for a single crossing; one horse and express wagon, ten cents; one horse and buggy, fifteen cents.

Sec. 5. WRITTEN ACCEPTANCE.—This ordinance shall take effect upon the bridge company's filing a written acceptance of the terms and conditions contained therein.

*(Accepted May 14, 1868.)*

**Bridges—Newport and Cincinnati Bridge Company.**

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An Ordinance granting to the Newport and Cincinnati Bridge Company the right to reconstruct and change the grade of that part of Saratoga street, between Taylor and Bellevue streets, in Newport, Ky. (Passed February 2, 1888.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. **RIGHT TO CHANGE GRADE OF STREETS.**—That from and after the passage of this ordinance there shall be, and there is hereby granted to the Newport and Cincinnati Bridge Company, in order to facilitate the approaches to their bridge across the Ohio river, the right is given to reconstruct and change the grade of that part of Saratoga street, between Taylor and Bellevue streets, in the City of Newport, and to extend the sewer in Saratoga street to the north line of Madison street, together with the necessary catch basins and connections, so that it shall conform to the plan and specifications on file in the office of the City Engineer, which plan and specifications are made part hereof. All of said work to be done under the superintendence and subject to the approval of the City Engineer and at the expense of the bridge company, and to be completed within six (6) months from the passage of this ordinance.

Sec. 2. **STREETS TO BE PLACED AND KEPT IN REPAIR.**—The part of Saratoga street named in section one (1), and its sidewalks, and the parts of Bellevue, Southgate and Taylor streets, so far as affected by the work aforesaid, are to be put in complete order, and in such manner as to interfere as little as possible with the use and travel of the streets. And after the said work shall have been completed, the said company is to keep continually in good repair the street between the rails of the railroad track, and within three (3) feet outside of the same.

Sec. 3. **BOND REQUIRED.**—This grant is made upon the express condition that the city is not to be liable or subjected to any damage to persons or property which may be caused by the

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Bridges—Newport and Cincinnati Bridge Company.

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work done under it, but for any such damage and for any claim that may be presented by property holders in the condemnation of their property abutting on said streets or alleys, the said Newport and Cincinnati Bridge Company shall alone be liable; and before any work shall be done under this ordinance, bond with sufficient surety, to be approved by the Mayor of this city, shall be given to the city, conditioned to protect and save the city harmless from all such damages and claim.

Sec. 4. TAKE EFFECT WHEN BOND EXECUTED.—This ordinance shall take effect and be in force from its passage and as soon as the bond is executed which is required in Section 3.

*(Bond accepted May 24, 1888.)*

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An Ordinance granting to the Newport and Cincinnati Bridge Company the right to change its approaches to its bridge, and providing for certain conditions thereto. (Approved August 10, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

Section 1. RIGHT TO CHANGE APPROACHES.—That the Newport and Cincinnati Bridge Company is hereby granted the right to change its approaches to its bridge over the Ohio river under certain conditions on its part, to be performed as hereinafter set forth and specified, and as according to a certain plan hereto attached and made part hereof, marked Exhibit "A," which said plan and specifications, together with a copy of same, shall remain on file in the City Clerk's and Engineer's office of the City of Newport.

Sec. 2. TO CHANGE GRADE OF STREET.—That pursuant to the right to change its approaches, the said Newport and Cincinnati Bridge Company is hereby granted the right to change the grade of Saratoga street from a point one hundred feet south of the south line of Fourth street to and upon the approach to its

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Bridges—Newport and Cincinnati Bridge Company.

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said bridge, and to raise and lower said Saratoga street from said point northwardly to First street, in accordance with a plan and specifications therefor, which is attached hereto and made a part hereof, marked Exhibit "B," which said plan and specifications shall remain on file as provided for Exhibit "A"; and said Newport and Cincinnati Bridge Company shall have the right to reconstruct its approaches to its said bridge, including steam railway, street railway, vehicle and foot passenger way, according to the plan for the same which is attached hereto and made a part hereof, marked Exhibit "C," which shall, together with copies of same, remain on file, as provided for Exhibits "A" and "B"; and the said Newport and Cincinnati Bridge Company shall have the right to change the grade of Third street, from Monmouth street to Washington avenue, according to the plan and specifications for same hereto attached and made a part hereof, marked Exhibit "D," which shall remain on file, as provided for Exhibits "A," "B" and "C."

Sec. 3. EXPENSE BORNE BY COMPANY.—That the said Newport and Cincinnati Bridge Company shall undertake and do, and pay for all material, work and labor necessary to change the grades of Saratoga street and Third street, and the reconstructing of same, including sidewalks, and same shall be done in a good and workmanlike manner, satisfactory to the Superintendent of Public Works and City Civil Engineer of the City of Newport, and shall be done in such a manner and with such dispatch as shall least obstruct public travel over same; and the said bridge company shall, at its own expense, reconstruct the approaches of Fourth street, Southgate street and Parker alley, from points one hundred feet east of Saratoga street to one hundred feet west of Saratoga street, except Parker alley, which shall be to a point one hundred and thirty-two feet west, so as to conform to the reconstructed grade of Saratoga street, in accordance with plans and specifications therefor made a part hereof and marked Exhibit "E," which shall remain on file as provided for Exhibits "A," "B," "C" and "D," and said work shall be done in a manner

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Bridges—Newport and Cincinnati Bridge Company.

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satisfactory to the Superintendent of Public Works and City Civil Engineer.

Sec. 4. STREET TO BE CONSTRUCTED BY COMPANY.—That the said Newport and Cincinnati Bridge Company, in lieu of the part of Saratoga street on the west side of its present structure between First and Third streets, which is hereby granted to it for bridge approach purposes, shall purchase therefor property on the west side of Saratoga street, between First street and Third street, and construct at its own expense, and dedicate to the City of Newport, a street from said First to Third street, to be built according to plans and specifications therefor as contained in Exhibits "A" and "B," and to the satisfaction of the Superintendent of Public Works and City Civil Engineer.

Sec. 5. DAMAGES TO PROPERTY, PAID BY COMPANY — HOW DETERMINED.— That the said Newport and Cincinnati Bridge Company shall pay for all damage that may accrue to property fronting and abutting Saratoga street from the point one hundred feet south of Fourth street to First street, fronting and abutting Third street from Monmouth street to Washington avenue, fronting and abutting Fourth street from a point one hundred feet east of Saratoga street to a point one hundred feet west of Saratoga street, fronting and abutting Southgate street from a point one hundred feet east of Saratoga street to a point one hundred feet west of Saratoga street, and fronting and abutting Parker alley from a point one hundred feet east of Saratoga street to a point one hundred and twenty-two feet west of Saratoga street, by reason of any change or changes to the said company's approach or approaches to its said bridge, and by reason of any change or changes of the grades of said streets and alley between said points made by it pursuant to this ordinance. And for the purpose of arriving at the amount of damage done to property, there shall be a Committee of Assessment and Arbitration of three members appointed, two of whom shall be residents of Newport, which said committee shall be appointed as follows: Within thirty days after the acceptance of this ordinance by the

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Bridges—Newport and Cincinnati Bridge Company.

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said, the Newport and Cincinnati Bridge Company, the said company shall appoint one person as a member of said committee, the owners of the property fronting and abutting the said streets between the points named (a majority of same in number acting in the matter) shall appoint one person as a member of said committee, and these two thus appointed shall appoint the third member. If the two can not agree upon the third member within ten (10) days after the appointment of the last, then the Mayor of the City of Newport shall at once appoint the said third member. The said committee thus formed shall immediately be sworn to properly perform their duty and proceed to assess and award damages, and they shall present to the General Council, at a date not later than thirty days after the completion of the changes and work proposed, their final estimate and award of damages, and thereupon the said bridge company shall pay to the owners of property damaged the award of damages to them. The said bridge company shall pay all the expenses of the said assessment, arbitration and award of damages, including the pay of the committee. The said committee shall be governed by the law provided for like services and duty in the State of Kentucky.

Sec. 6. RAILROAD TRACK.—The said, the Newport and Cincinnati Bridge Company shall have and maintain but one single track at Saratoga street for steam railway purposes, from Fifth street in and on to its bridge.

Sec. 7. ACCEPTANCE IN WRITING.—The said, the Newport and Cincinnati Bridge Company shall, within thirty days after the approval of this ordinance, accept the same in writing, agreeing to comply with, adopt and perform all of its conditions, said acceptance to be properly signed by its officers with power thereto, and said company shall at the same time furnish to the City of Newport a good and satisfactory bond, conditioned that it will pay to it and to the owner or owners of property fronting and abutting Saratoga street, Fourth street, Third street, Southgate street and Parker alley, any and all loss or damage it or they may

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Bridges—Newport and Cincinnati Bridge Company.

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sustain by reason of any of the changes provided for and granted pursuant to the provisions of this ordinance, or by reason of any of the rights hereby in this ordinance granted.

Sec. 8. RATES OF TOLL.—In consideration of this grant, the rates of toll over said bridge shall be as follows:

For each vehicle drawn by one horse, 10 cents for each crossing, or eleven tickets for \$1.

For each vehicle drawn by two horses, 15 cents for each crossing, or seven tickets for \$1.

For each vehicle drawn by three horses, 20 cents each crossing, or five tickets for \$1.

For each vehicle drawn by four horses, 25 cents each crossing, or four tickets for \$1.

For foot passengers —

One hundred coupon crossings for.....	\$1 00
Fifty coupon crossings for.....	50
Twenty-five coupon crossings for.....	25
Ten coupon crossings for.....	10
Four single tickets.....	5

Children under six years of age to go free when accompanied by parents or guardian.

Sec. 9. WHEN TO TAKE EFFECT.—This ordinance shall take effect and be in force from and after its passage and approval.

*(Accepted in writing of date August 21, 1895.)*

*(Acceptance filed and bond approved — Board of Council,  
September 5, 1895; Board of Aldermen, September 12, 1895 )*

Light—Newport Light Company.

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### LIGHT.

An Ordinance further providing for the lighting of the City of Newport, Ky.\* (Passed June 3, 1880.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. EXTENT OF GRANT.—That from and after the passage of this ordinance there shall be, and is hereby granted unto the Newport Light Company and their successors the exclusive privilege of using any or all of the streets, lanes, commons, alleys and public places of the city for the purpose of laying pipes to convey and supply gas to the said City of Newport and others. This privilege is granted for the term of twenty-five years from the date hereof, and until the city shall give said company twelve (12) months' notice to terminate the same, and embraces the

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\* NOTE.—By the stipulations of the contract, the Newport Light Company and its successors, from and after the 11th of June, 1882, was given the exclusive privilege of using the streets, public places, etc., of the city for the purpose of laying pipes to convey and supply gas to the city and others, said privilege to be so enjoyed and used for the term of twenty-five years from June 11, 1882, and until the city should give the company twelve months' notice to terminate the same. *City of Newport vs. Newport Light Co.*, 84 Ky. 166; 8 R. 22.

A contract between a city and the light company, granting to the latter the exclusive use of the streets for a term of years, for the purpose of laying pipes to supply gas to the city, and providing that the company may adopt any other mode equal to gas for supplying light to the city and its inhabitants, provided the same shall be done at no greater cost to the city than the gas light, does not give to the light company the right to use the streets of the city for the erection of appliances necessary for the introduction of electric light. In case of the introduction of a light other than gas requiring a different use of the streets, the consent of the city to such new use is necessary. *City of Newport vs. Newport Light Co.*, 89 Ky. 454; 11 R. 840.

A gas company which has acquired the right, by contract, to supply a city and its inhabitants with gas for compensation, does not render such public service, by complying with its contract, as will exempt its real and personal property, located within the city, from the municipal taxation that is imposed upon the property of all other corporations and of all natural persons of such city. *Newport Light Co. vs. City of Newport*, 14 R. 464.

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Light—Newport Light Company.

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right of said company to use said streets, lanes, alleys and public grounds for establishing and conducting said business.\*

Sec. 2. PIPES — HOW LAID.—That the said pipes, etc., shall be so placed as not to interfere with the water, drain or sewer pipes of said city, and whenever said light company or their successors shall desire to open any of said streets, lanes, alleys, etc., for the purpose of laying down pipes, it shall be their duty to give at least five days' notice to the city previous to the commencement of the work. The company shall not, during the progress of the work, unnecessarily obstruct public travel, and shall within a reasonable time, not exceeding thirty days after the pipes are laid in the streets, etc., repair said streets, in such manner as may be satisfactory to the city, where the same have been disturbed by such work of the company, and that in case of settlement of said streets within sixty days thereafter, the said Newport Light Company shall repave and put the streets in the same condition as before disturbed.

Sec. 3. GAS — RATES.—The said Newport Light Company shall furnish to the City of Newport upon the several streets, lanes, alleys and public places of the City of Newport in which pipes are laid, a continuous supply of gas (equal in quality to Cincinnati gas) in such quantities as the said city may require and direct for the use of the public street lamps and public build-

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\* NOTE.—The following appears of record, approved May 28, 1904:

Your Committee on Light, etc., to whom the matter of the termination of the special privileges, etc., granted the Newport Light Company, in ordinance passed by the City of Newport, June 3, 1880, was referred, respectfully recommend that the Mayor be, and he is hereby authorized and empowered to notify the aforesaid light company, or their successors, known as the Union Light, Heat and Power Company, of Covington, Ky., that the City of Newport, under condition contained in Section 1 of an ordinance entitled "An Ordinance further providing for the lighting of the City of Newport, Ky.," passed June 3, 1880, does hereby terminate and refuse to extend the special privileges granted in aforesaid section in aforesaid ordinance, reserving, however, all other rights and privileges which under and by virtue of said ordinances are granted the City of Newport, and that the said Mayor take all steps necessary to protect the city's interest in the premises.

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Light—Newport Light Company.

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ings owned by the city or ordered by the Board of Councilmen at the rate of \$1.20 per one thousand cubic feet. Said Board of Councilmen shall determine what size burners shall be used, so that they shall not burn less than four feet to the hour, for each, and the lighting thereof shall be regulated in such manner as may from time to time be directed by the Board of Council of the City of Newport. The amount of gas consumed by public street lamps and in public buildings owned by the city to be ascertained by the customary meter measurement. Gas shall be furnished to the citizens for their private consumption at the following rates, viz.: At \$1.90 per thousand cubic feet, with five per cent. off for cash within ten days, for the period of five years from June 11, 1882; at \$1.80 per thousand cubic feet, with five per cent. off for cash within ten days, for the period of five years from June 11, 1887; at \$1.75 per thousand feet, with five per cent. off for cash within ten days, for the period of fifteen years from June 11, 1892.

Sec. 4. PUBLIC STREET LAMPS.—That all public street lamps, lamp posts and other requisite fixtures appertaining thereto, shall be furnished by and at the expense of said Newport Light Company, and erected at such times, points, and in such numbers (where the main pipes are laid) as the city may direct; said lamps to be lighted upon their erection, and continued in use thereafter as herein provided; and whenever the said city shall determine that a gas post shall be removed from one point to another, or be discontinued, the said Newport Light Company shall remove the same at the expense of said city for such removal; and if discontinued, the same, including requisite fixtures for the lamp post, shall be purchased by said city at their original cost. Public street lamps to be cleaned, lighted and kept in repair at the expense of said city, and if said city should at any time desire to have public street lamps erected at any of the public buildings, or to light any street, lane, alley, etc., and the said Newport Light Company should refuse to extend the pipes to such situations in the city, then the said city shall have the privilege of extending the pipes at their own cost, and to order the erection of such number of public street lamps for the purpose aforesaid as they may deem proper; and the said public street lamps shall be erected upon

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Light—Newport Light Company.

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the same conditions and furnished with gas upon the same terms as the other public street lamps of the city; and the main gas pipes so laid down shall not, directly or indirectly, be used for furnishing gas except for public street uses, nor shall other pipes be laid down along any part of the streets so occupied by gas pipes laid down at the expense of the city until the whole amount so expended by the city in laying down said pipes be refunded to the city by said Newport Light Company and their successors, when the said pipes shall become the property of the said Newport Light Company: provided that the said company, if required or ordered so to do by said Board of Councilmen, shall lay down on such street or streets as said Board may designate, not less than one thousand feet of main gas pipe annually.

Sec. 5. **RIGHT OF CITY TO PURCHASE UNDER EXISTING CONTRACT TRANSFERRED TO COMPANY.**—And whereas the existing contract of the City of Newport with the Covington Gas Light Company will expire on the 11th day of June, 1882, and by the terms of said contract the City Council, or those with whom they may contract to light the city thereafter, may purchase the pipes, lamp posts, fixtures, etc., of the Covington Gas Light Company in the city, the value of the same to be determined as provided in the ordinance of June 11, 1857, entitled "An Ordinance providing for the lighting of the City of Newport, Ky., with gas"; now, therefore, in consideration of the undertakings of the said Newport Light Company, as stipulated in this ordinance, the said right of purchase, with all the privileges incident or relating thereto, are hereby assigned, transferred and vested in the said Newport Light Company in as full a manner as the same belong to the City of Newport, and the City of Newport hereby guarantees to said Newport Light Company the accomplishment of said purchase and transfer, and the said company hereby binds itself, in consideration of said transfer, to make said purchase as aforesaid, and the said Newport Light Company is to light the city thereafter according to the stipulations and provisions of this ordinance.

Sec. 6. **RIGHT OF CITY TO PURCHASE UPON TERMINATION OF CONTRACT.**—The said Newport Light Company and their suc-

**Light—Newport Light Company—Gas Compromise.**

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cessors reserve and shall have the right to remove any or all their pipes and lamp posts, fixtures, etc., when this contract expires, unless the same shall be renewed, or the said city may purchase said pipes, lamp posts, fixtures, etc., the value of the same to be ascertained by five disinterested persons, residents of Kentucky, two of whom shall be chosen by the city, two by the said Newport Light Company, and the fifth by the four so chosen.

Sec. 7. OTHER MODE OF LIGHTING.—Said company or their successors may adopt any other mode equal to gas for supplying light to the city and its inhabitants, etc., provided the same shall be done at no greater cost or expense to the city or consumers than the gas light.

Sec. 8. GAS CONSUMED BY CITY.—The city is to pay in cash to said company for the gas consumed by it in the public lamps, public buildings and elsewhere, as the quantity may be ascertained from the meters each month.

Sec. 9. ACCEPTANCE IN WRITING.—The said Newport Light Company shall, within fourteen days after the passage of this ordinance, signify in writing its acceptance, and thereupon the same shall become a binding contract between said company and the city, but upon failure of the company to accept the same, then this ordinance may be repealed; *provided, further,* that said company shall, within twenty days after the passage of this ordinance, execute bond, with good and approved surety, to said city for the faithful performance of all its duties as herein enjoined, and the strict compliance with all the terms, conditions and requirements of this ordinance.

Sec. 10. WHEN TO TAKE EFFECT.—This ordinance shall take effect from its passage.

*(Acceptance in writing and bond filed June 3, 1880.)*

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Resolution (Gas Compromise). (Adopted March 19, 1887.)

WHEREAS, The Newport Light Company has voluntarily proposed to reduce the price of gas to private consumers to one dollar and fifty-two cents (\$1.52) per thousand cubic feet from and after the 1st day of April, 1887, provided that a settlement of all the

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Light—Newport Light Company—Gas Compromise.

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claims of said company against the city on the basis as heretofore proposed is effected.

*Therefore be it resolved,* That the following basis of settlement, time-table and proposed reduction of gas to private consumers be concurred in and agreed to by this Board, and that the proper officers of the city are hereby directed to at once carry into effect all the provisions of said settlement.

Section 1. CONTRACT — TERMS.—The city agrees to pay the Newport Light Company the amount of the judgment, without interest, and the bills of the Newport Light Company which have accrued since to date, viz.: February 1, 1887, without interest, less one thousand (\$1,000) dollars, payments to be made of one thousand (\$1,000) dollars on each month until total is paid without interest, the first payment to be made on the first day of April, 1887.

It is agreed that the amount of judgment is....	\$15,589 89
Less Poor-house farm levied on and bought....	<u>1,500 00</u>
Leaving net balance of.....	\$14,089 89
To which add amount of gas bills, etc., as above	
up to February 1, 1887, less one thousand	
(\$1,000) dollars.....	<u>11,431 61</u>
Making total indebtedness.....	\$25,521 50

Sec. 2. CASE DISMISSED.—The city agrees to dismiss the appeal in the Court of Appeals, each party to pay its own costs.

Sec. 3. ATTACHMENT STAYED.—The light company to stay the attachment in the Campbell Chancery Court, which was brought to enforce collections of the above judgment, until such time as the claims now pending and due are paid, in conformity with the agreement, when the light company is to release the attachment.

Sec. 4. POOR-HOUSE FARM MAY BE RELEASED.—The light company, upon settlement of the claims as above, agrees to release and cause to revert to the city the poor-house farm, if the city so desires, upon payment by said city to said light company of the exact amount paid by said light company for said farm.

Sec. 5. METERS.—The city agrees to instruct the City Engineer or other city official to see that the meters in the public build-

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Light—Newport Light Company—Gas Compromise.

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ings and on the lamp posts are correct, and that on the last day of each month to further see that the statements of the same are properly taken by the light company, and to verify the bills of said company, said bills to be referred to him for that purpose.

Sec. 6. **BURNERS.**—The light company to concede the right of the city under the contract to designate the size of the burners, not, however, to be less than four (4) feet burners.

Sec. 7. **SCHEDULE.**—That the lighting and extinguishing of the public street lamps in the future shall be governed by the following time-table.\*

Sec. 8. **RATES TO PRIVATE CONSUMERS.**—Said Newport Light Company, for the purpose of meeting the views of many of its customers, voluntarily propose that from and after the first day of April, 1887, for the following five years, will reduce the price of gas to one dollar and sixty cents (\$1.60) per 1,000 cubic feet, with five per cent. off for cash, if paid within ten days after the first day of each month, making the net costs one dollar and fifty-two cents (\$1.52) per 1,000 cubic feet; but this action of said company shall not be understood or made use of in any way to affect the existing contract of said company with the City of Newport, and to be construed as a voluntary act on the part of said light company; and it is hereby understood and agreed that said voluntary act of the said Newport Light Company does not waive any existing rights or privileges granted them in their existing contract.

Accepted by the Newport Light Company.

Witnessed by

M. J. COSTIGAN.

LOUIS CONSTANS.

JOHN A. WILLIAMSON,

*President.*

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\* **NOTE.**—The remainder of this section is omitted, since gas street lights have been abandoned, and by resolution, approved September 14, 1895, a certain sum was paid to the Newport Light Company by the City of Newport, "the same being in full of any and all claims of whatever kind by the Newport Light Company for damages under said contracts; but all other terms and conditions of said contracts, save alone any and all obligations on the part of the City of Newport to take gas, is to remain in full force and effect."

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Light—Newport Light Company.

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An Ordinance granting to the Newport Light Company the right and privilege of erecting poles in and stringing wires over certain streets of the City of Newport, Ky. (Approved April 15, 1897.)

*Be it ordained by the General Council of the City of Newport, Ky.*

Section 1. RIGHT TO ERECT POLES, ETC.—STREETS INCLUDED.

—That from and after the passage of this ordinance there shall be granted unto the Newport Light Company, its successors or assigns, the right and privilege of erecting poles in, and stringing wires through and over, the streets hereinafter named, as follows, viz.: Commencing on the east side of York street, at the present office location of the Newport Light Company, which is situated between Seventh and Eighth streets, on York street, in said city, running thence along and over said east side of York street to Second street, thence eastwardly along and over the south side of Second street to Park avenue, thence northwardly along the west side of Park avenue to First street, thence eastwardly and along First street to the east corporation line of the City of Newport.

Sec. 2. GRANT—REVOCATION.—The right and privilege herein granted shall be for the purpose of furnishing electric light, subject to revocation at any time, at the sole discretion of the General Council.

Sec. 3. RENTAL.—The said Newport Light Company shall pay to the City of Newport, as compensation or rental for the use of the streets as aforesaid, the sum of one hundred (\$100) dollars per annum, payable in advance the first day of February each year.

Sec. 4. POLES—REGULATIONS CONCERNING.—That the height and location of the poles herein authorized to be erected, and all reasonable regulations of same, shall be subject to the approval of the Superintendent of Public Works of the city.

Sec. 5. CITY HELD HARMLESS.—That whenever the City of Newport may be held liable in damages for injuries to private property or persons by reason of this grant, the said Newport Light Company hereby agrees to pay all such damages, or to reimburse the said city for same.

Light—Suburban Electric Illuminating, Heating and Power Co.

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Sec. 6. ACCEPTANCE IN WRITING.—Should the Newport Light Company fail, within thirty (30) days after the approval of this ordinance, to signify to the General Council of the City of Newport their acceptance of the right and privilege granted by this ordinance, subject to the limitations herein set out, then all of the right and privilege herein granted shall become null and void and of no effect. Said company shall accept the same in writing; said acceptance shall be entered upon the journal of both Boards of said General Council, and copied upon the ordinance book of the City of Newport immediately following said ordinance when recorded.

Sec. 7. WHEN TO TAKE EFFECT.—This ordinance shall take effect and be in force from and after its passage and approval.

*(Accepted by Newport Light Company May 3, 1897.)*

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An Ordinance granting the right of way to the Suburban Electric Illuminating, Heating and Power Company to erect poles and wires upon the streets, lanes, alleys and other public places in the City of Newport, Ky., for the purpose of supplying electric light, heat and power. (Passed June 19, 1890.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. RIGHT TO ERECT POLES, ETC.—That the Suburban Electric Illuminating, Heating and Power Company are hereby authorized and empowered to use the streets, lanes, alleys and other public thoroughfares of the City of Newport, Ky., for the purpose of thereon erecting poles, laying conduits, maintaining and operating electric light wires, mains and apparatus for the distribution of electricity for light, heat and power, or either.

Sec. 2. STREETS, ETC., NOT TO BE OBSTRUCTED.—Said Suburban Electric Illuminating, Heating and Power Company, in the

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Light—Suburban Electric Illuminating, Heating and Power Co.

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construction of its lines or erection of its wires for the distribution of its current of electricity, shall not unnecessarily interrupt or obstruct the passage of any street, lane, alley, or other public thoroughfare in said city, and shall erect said wires at such altitude as the Board of Council may require.

Sec. 3. POLES — HOW PLACED.—The said Suburban Electric Illuminating, Heating and Power Company, in placing said poles, shall erect them under the supervision of the City Engineer, or whosoever the Board of Councilmen shall appoint for the purpose: said poles shall be straight, clean-shaven, and painted two coats of white paint; and wherever any portion of the said streets, lanes, alleys or other public thoroughfares shall be removed for the purpose of setting said poles, the said company shall replace all work on the streets in good condition, and to the entire satisfaction of the City Engineer, and shall give bond in the sum of ten thousand dollars to hold said city harmless for any damages or costs in any way arising from its exercise by them of the privileges and franchises herein granted.

Sec. 4. WHEN TO TAKE EFFECT.—This ordinance shall take effect from and after its passage.

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Resolution for lighting the city by electricity. (Passed April 23, 1891.)

CONTRACT — AUTHORIZED TO BE EXECUTED.—*Be it resolved,* That the accompanying contract between the City of Newport and the Suburban Electric Illuminating, Heating and Power Company, for lighting the city by electricity, be entered into by the city, and that the Mayor be, and he is hereby directed to execute the same on behalf of the city, and that the city discontinues the use of the lamp posts now in use, for both gas and gasoline, and the gas light thereby furnished, on and after July 1, 1891. And that the City Clerk be directed to notify the Newport Light Company thereof, and request that it send the city a statement of the original cost of the lamp posts, including the requisite fixtures thereof. (The

## Light—Suburban Electric Illuminating, Heating and Power Co.

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contract referred to in said resolution in words and figures is as follows:—

WHEREAS, The streets and public places of the City of Newport, Ky., are now being lighted by gas furnished by the Newport Light Company in lamp posts owned by said Newport Light Company; and,

WHEREAS, Under the terms of the contract between the said city and said light company, said city may discontinue said lamp posts by paying to said light company the original cost of the lamp posts, including its requisite fixtures; and,

WHEREAS, The said City of Newport is desirous of using electric lights in said streets and public places of the city, at approximately the same cost to the city as the gas light would be; and,

WHEREAS, The Suburban Electric Illuminating, Heating and Power Company of Newport, Ky., is desirous of furnishing said city with electric light, and is willing to assume the payment of the contract price for the lamp posts and their requisite fixtures, that may be discontinued, and take the same; and to save and hold the city harmless from the costs and expenses, including lawyers' fees, of any and all suits or actions in law or equity that may be instituted against it by reason of the execution by it of this contract; and is also willing to supply said electric light at approximately the same cost as gas light would be under its present contract, the average cost of which, for the last five years, has been over twenty dollars per lamp post, which is equal to one hundred dollars per year per 2,000 C. P. arc light, one of which displaces five lamp posts, at which price the said Suburban Company is willing to furnish the light, turning it on and off according to the schedule now in force with the Newport Light Company.

Now, therefore, this contract, entered into this the 23d day of April, 1891, by and between the City of Newport, a municipal corporation in the County of Campbell and State of Kentucky, party of the first part, and the Suburban Electric Illuminating, Heating and Power Company, of Newport, Campbell County, Kentucky, a corporation created by an act of the General Assem-

## Light—Suburban Electric Illuminating, Heating and Power Co.

bly of said State, party of the second part, witnesseth: That the party of the second part, for and in consideration of the covenants and agreements of the party of the first part, does hereby agree, contract and covenant to and with the party of the first part that it will:

TERMS OF CONTRACT.—First—At and for the price and cost hereinafter agreed to be paid by the party of the first part, erect, maintain, clean, repair, light or turn on and extinguish or turn off one hundred and five electric arc lights of 2,000 C. P. (Commercial) each, at the places in the party of the first part indicated by the stars on the hereunto attached map or plat of said party of the first part, which said map or plat is made a part of this contract as fully as if incorporated herein, and is identified by the signatures and seals of the parties hereto; and also furnish current of electricity sufficient to keep them continuously lighted.

The light shall be turned on and off as follows:

Jan.	1 to 10, inclusive.....	5.00 P. M.....	6.00 A. M.
Jan.	11 to 20, inclusive.....	5.15 P. M.....	6.00 A. M.
Jan.	21 to 31, inclusive.....	5.30 P. M.....	6.00 A. M.
Feb.	1 to 10, inclusive.....	6.00 P. M.....	6.00 A. M.
Feb.	11 to 20, inclusive.....	6.00 P. M.....	5.45 A. M.
Feb.	21 to 28, inclusive.....	6.15 P. M.....	6.30 A. M.
Mch.	1 to 10, inclusive.....	6.30 P. M.....	5.15 A. M.
Mch.	11 to 20, inclusive.....	7.00 P. M.....	5.00 A. M.
Mch.	21 to 31, inclusive.....	7.00 P. M.....	5.00 A. M.
April	1 to 10, inclusive.....	7.30 P. M.....	4.45 A. M.
April	11 to 20, inclusive.....	7.30 P. M.....	4.30 A. M.
April	21 to 30, inclusive.....	7.45 P. M.....	4.00 A. M.
May	1 to 10, inclusive.....	7.45 P. M.....	4.00 A. M.
May	11 to 20, inclusive.....	7.45 P. M.....	3.45 A. M.
May	21 to 31, inclusive.....	7.45 P. M.....	3.30 A. M.
June	1 to 10, inclusive.....	8.00 P. M.....	3.00 A. M.
June	11 to 20, inclusive.....	8.00 P. M.....	3.00 A. M.
June	21 to 30, inclusive.....	8.00 P. M.....	3.00 A. M.
July	1 to 10, inclusive.....	8.00 P. M.....	3.00 A. M.
July	11 to 20, inclusive.....	8.00 P. M.....	3.00 A. M.
July	21 to 31, inclusive.....	7.45 P. M.....	3.00 A. M.
Aug.	1 to 10, inclusive.....	7.30 P. M.....	4.00 A. M.
Aug.	11 to 20, inclusive.....	7.15 P. M.....	4.00 A. M.

## Light—Suburban Electric Illuminating, Heating and Power Co.

Aug. 21 to 31, inclusive.....	7.00 P. M.....	4.15 A. M.
Sept. 1 to 10, inclusive.....	6.45 P. M.....	4.15 A. M.
Sept. 11 to 20, inclusive.....	6.30 P. M.....	4.30 A. M.
Sept. 21 to 30, inclusive.....	6.15 P. M.....	4.45 A. M.
Oct. 1 to 10, inclusive.....	6.15 P. M.....	4.45 A. M.
Oct. 11 to 20, inclusive.....	6.00 P. M.....	5.00 A. M.
Oct. 21 to 31, inclusive.....	5.45 P. M.....	5.15 A. M.
Nov. 1 to 10, inclusive.....	5.30 P. M.....	5.30 A. M.
Nov. 11 to 20, inclusive.....	5.30 P. M.....	5.30 A. M.
Nov. 21 to 30, inclusive.....	5.15 P. M.....	5.45 A. M.
Dec. 1 to 10, inclusive.....	5.00 P. M.....	6.00 A. M.
Dec. 11 to 20, inclusive.....	5.00 P. M.....	6.00 A. M.
Dec. 21 to 31, inclusive.....	5.00 P. M.....	6.00 A. M.

except on nights of full moon and two nights before and two nights after said nights, when it will not be turned on, unless in rainy or very cloudy weather, then the schedule will be observed. The Chief of Police of the party of the first part, or such other officer of the party of the first part as it may from time to time indicate, shall be the judge of whether it is rainy or very cloudy weather, and upon his notice to the party of the second part that it is necessary, the party of the second part shall turn on the lights according to the schedule, and if not so turned on after said notice, there shall be a deduction at the rate per month for the hours the lamps should per schedule be given light, to be deducted from the next monthly bill.

Second—Take, remove and pay for all the lamp-posts, including their requisite fixtures in use for lighting the streets and public places in the party of the first part, belonging to the Newport Light Company, which the party of the first part may discontinue. Payment shall be made to the party of the first part by the party of the second part, in such amounts and at such times as it may be required to pay the said Newport Light Company for the lamp-posts so discontinued, and the lamp-posts shall be removed at the sole cost of the party of the second part and become the property of the party of the second part.

Third—Pay all costs of court, and expenses, including attorneys' fees, in any actions and suits that may be instituted by the

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Light—Suburban Electric Illuminating, Heating and Power Co.

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Newport Light Company against the party of the first part, which may be caused by the execution of this contract by the party of the first part. The attorneys, however, who are thus to be paid, are to be selected by the party of the second part.

Fourth—Change the location of any of the arc lights supplied by the party of the second part, as may be directed by the party of the first part, without cost or expense to the party of the first part. And also to furnish all additional arc lights which the party of the first part may order or direct, which shall be of 2,000 C. P. (Commercial), and shall be erected, maintained, cleaned, repaired, supplied with electric current, and turned off and on as those herein contracted for, and at no greater cost.\*

Fifth—Execute with good and approved security, a bond in the penal sum of ten thousand dollars, conditioned for the faithful performance of this contract.

And the party of the first part, for and in consideration of the foregoing covenants and agreements of the party of the second part, does hereby agree, contract and covenant, to and with the party of the second part, that it will promptly, at the end of each and every month, pay to the party of the second part the sum of eight 33-100 dollars for each arc light herein contracted for and erected and in use in the said party of the first part, less a reduction at the said rate for the time any lamp fails to furnish light during the hours required by the schedule hereinbefore set forth.

It is mutually agreed that this contract is to continue in full force for the full term of fifteen years from the date hereof, and that all the arc lamps indicated on the hereunto attached plat or map are to be furnishing light on or before the first day of July next, unless enjoined from so doing; in which instance, in sixty days after the final dissolution of the injunction.

In witness whereof the party of the first part by its Mayor, and pursuant to the resolutions of the Board of Councilmen, and

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\* NOTE.—By resolution, approved September 14, 1895, for certain considerations, the company was released from all further liability under the third and fourth clauses of said contract.

**Light—Public Bidding—Gas.**

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the party of the second part by its President, and pursuant to the resolutions of its Board of Directors, have hereunto set their names and affixed their seals, the day and year first above written.

SUBURBAN ELECTRIC ILLUMINATING, HEATING AND POWER CO.,  
By H. M. HEALY, President.

(*Bond accepted April 23, 1891.*)

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An Ordinance providing for the letting at public bidding of the exclusive franchise, right and privilege of entering in and upon the streets, alleys and public ways and places of and in the City of Newport, Ky., for the purpose of laying, acquiring, maintaining and operating mains and pipes, with all necessary appendages, for the purpose of supplying the City of Newport, its residents and consumers, with artificial gas for a period of twenty years from the acceptance of the successful bid therefor; and granting such franchise, rights and privileges to the highest and best bidder. (Approved May 5, 1905.)

*Be it ordained by the General Council of the City of Newport, Ky.*

Section 1. ADVERTISEMENT FOR BIDS—CONDITIONS.—That the City Clerk be and he is hereby directed to advertise by two insertions each week, for two consecutive weeks, beginning with the first insertion not less than ten days after the approval of this ordinance, in the Cincinnati Enquirer, the Cincinnati Times-Star, the Commercial Tribune, Volksblatt, the Kentucky Post, the Freie Press, the Engineering Record and the Volksfreund newspapers, that the General Council will receive sealed bids for the exclusive franchise of entering in and upon the streets and public ways of said city of Newport, to lay, acquire, maintain and operate gas mains and pipes, with the necessary street boxes, valves, cocks, service pipes and other appendages in, through, under and across the streets, alleys and public ways of and in the City of Newport, Ky., as it now is or may hereafter be enlarged, and to renew, change and alter same for the purpose, therefrom to supply said city and the inhabitants and consumers thereof with artificial

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Light—Public Bidding—Gas.

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gas for a period of twenty years from date of acceptance by the General Council of said city of any bid therefor hereunder. Bids shall be sealed and marked on the outside with the words: "Bid for Gas Franchise," and shall be delivered to the Board of Aldermen of the General Council in regular open session at its regular meeting, to be held on the 8th day of June, 1905, or at the next ensuing regular session, if no session is held that day. At such session the President shall announce publicly a period of twenty minutes during the session for the submission and reception of bids; at the expiration of said time all bids received shall be forthwith publicly opened and read in open session of the board.

The exclusive franchise above mentioned shall be awarded by the General Council to the highest and best bidder, but the right is reserved by the General Council to reject any or all bids.

All bids shall be subject to the following conditions, and all requirements of this ordinance shall at all times apply with equal force to the successful bidder, his or its successors or assigns.

(A.) All pipes and mains shall be laid under the supervision of the City Engineer and the Superintendent of Public Works, and as the General Council by ordinance may provide.

(B.) The successful bidder shall, and he agrees and binds himself to be in every way prepared to and shall begin serving gas through his or its mains and pipes at the rates provided for in the successful bid not later than June 12, 1907, throughout all that part of the City of Newport where gas is now furnished through the mains of the company having the subsisting franchise to furnish artificial gas in said city, and the mains and pipes of said successful bidder may be further extended by it at any time and shall be extended and gas supplied therefrom under the terms hereof whenever the abutting property owner or owners of one-half of the front feet of the property abutting along the proposed extension shall petition the General Council of this city and said General Council shall order and direct such an extension.

*Provided*, that no pipes or mains or appendages shall be laid in, through or under the streets or highways of the City of Newport until after the third day of June, 1905.

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Light—Public Bidding—Gas.

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(C.) The successful bidder shall make all service connections from the street pipes or mains to the curb line free of expense to the consumers. The consumer shall make the connection from the curb line to the place of service at his own cost.

The successful bidder shall, without cost, charge or fee to any consumer, furnish, set and attach all necessary meters for measuring the gas consumed; said meters are at all times to be of the most modern, accurate and approved kind and construction.

(D.) It is the purpose and intention of the General Council to obtain as a consideration for this franchise the lowest price possible for gas to the City of Newport, its inhabitants and consumers, and to that end each bidder shall state the lowest price per thousand cubic feet for gas, giving that amount of discount, if any, to be allowed for the payment of bills within ten days after they become due. All gas supplied hereunder shall at all times be maintained at not less than 16 candle-power, 600 heat units per cubic foot and 30-10 pressure.

(E.) The successful bidder shall within thirty days after the award of the franchise execute bond to the City of Newport in the penal sum of fifty thousand dollars (\$50,000.00) with some corporation authorized by law to become surety on such bond, said bond to be approved by the Mayor and the City Attorney. Said bond shall be conditioned that the successful bidder shall indemnify and hold the city harmless from any and all damages caused by the laying, maintenance or operation of any of the mains or pipes under the franchise hereby proposed to be sold, and against any and all damages, if any, arising from any claim or claims of the company having the subsisting franchise in the City of Newport, Ky., by or through this grant, and said bond shall further bind the successful bidder to furnish and supply gas to the city and its inhabitants and consumers not later than the time fixed in Paragraph "B" hereof, and shall also bind the successful bidder to faithfully perform all the requirements of the franchise during the entire period of its duration. In the event that the successful bidder fails to furnish gas within the time herein specified or as extended, if extended, then the successful bidder shall pay to the

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Light—Public Bidding—Gas.

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City of Newport the sum of ten thousand dollars (\$10,000.00) as liquidated damages; but said liquidated damages are confined to failure to comply with the particular provisions of this paragraph relating to the time to begin furnishing gas, and shall cover no other damages that the city may sustain by reason thereof. *Provided,*\* that after the successful bidder has begun supplying gas throughout the territory mentioned in Paragraph "B" said bond shall terminate and be void as to any future act or omission, upon the execution and approval in the manner above provided of a new bond by said bidder, in the sum of ten thousand dollars (\$10,000.00), conditioned that the successful bidder will faithfully perform all the requirements of this ordinance, and said bond may be renewed from time to time.

(F.) If the successful bidder shall at any time during the life of the franchise granted hereunder, from any plant or source from which it furnishes gas to the City of Newport or its inhabitants, furnish or supply gas to any other city, town or district in Campbell or Kenton County, Kentucky, at a rate lower than that bid by him or it hereunder, said lower rate under which gas is furnished or supplied to said other city, town or district shall at once become and be the rate for furnishing gas to the City of Newport and its inhabitants during the remainder of the franchise granted under this ordinance, except that if thereafter any like lowering is made, then a like reduction shall at once result in the price for gas in the City of Newport.

(G.) The successful bidder shall within thirty days after the award of the franchise accept the terms of this ordinance in writing, to be filed with the City Clerk of Newport, which acceptance shall be submitted by the Clerk to the General Council and noted upon the minutes. After the award of the franchise and prior to such acceptance the successful bidder shall pay unto the City Treasurer the cost of the advertisement for bids herein provided for. Upon its acceptance and the execution of the bond provided for hereunder this ordinance shall be and constitute the franchise, to endure for the period of twenty years from the date of the successful bid, but no longer.

## Light—Public Bidding—Gas.

(H.) No street shall be opened by successful bidder for the purpose herein specified until application has been made to the Superintendent of Public Works of said city for a permit. Such application shall state the character of the work intended to be done, its location and dimensions as nearly as practicable, and the permit shall be granted by the Superintendent of Public Works, subject to any reasonable regulations necessary to protect the property of the city and other parties having interest in the streets in which said work is to be done. Said successful bidder, after the completion of the work in said street, shall immediately restore the same to its former condition. Said successful bidder shall keep that part of any street disturbed by it in repair for one year from the time the street was so disturbed.

(I.) Said work shall not unnecessarily obstruct or interfere with the ordinary use and occupation of any street; and in no way injure or interfere with any existing arrangements for water or gas pipes, mains, drains, sewers, ditches or any other public or private works that at any time may be lawfully in the streets of said city; and whenever there is any such injury or interference the successful bidder shall compensate the owner of such pipe, drains, sewers, ditches and other public utilities for any injury or damage done thereto by said successful bidder.

(J.) If said successful bidder shall neglect to restore any street or other public way or place to its former condition, or repair after ten days' written notice so to do, given by the Superintendent of Public Works of said city, the Superintendent may cause the said work to be done, and in the name of the city recover the expenses thereof from the said successful bidder and his sureties.

(K.) All mains, pipes and appendages constructed or laid hereunder shall be of the most approved material, design and quality.

(L.) If the successful bidder should be prevented from doing anything herein required to be done by him within the fixed time by reason of a restraining order, injunction or other process in force, such necessary delay shall not be counted as any part of

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Light—Public Bidding—Gas.

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the time limit; *provided, however*, said successful bidder has made a *bona-fide* effort to have such order, injunction or other process in force dissolved at the earliest practicable time.

(M.) The City of Newport or its assigns shall, by giving one year's previous notice in writing of such election, have the privilege of purchasing at the expiration of the franchise hereby provided for, any gas plant, pipe system, real estate and all property situated in the City of Newport used in and about the manufacture and distribution of gas to consumers at an appraisal to be made by five persons familiar with the operation and management of gas plants, two of such appraisers to be chosen by the City of Newport or its assigns, two by the successful bidder to whom this grant is made, and the fifth by the four so chosen.

(N.) The City of Newport in consideration of the obligations to be assumed by the successful bidder for the franchise hereunder, hereby agrees to assign and transfer to such bidder the right or option secured to it by Section 6 of an ordinance of June 3, 1880, to purchase the pipes, mains, appendages, etc., of the Newport Light Company. The successful bidder may or may not exercise said option or right of purchase, as he or it may see fit. If, however, said successful bidder shall not comply with the terms of this ordinance and shall fail to furnish gas to or within the City of Newport thereunder, then and in that event this assignment shall be void.

(O.) Each bid for the franchise herein described shall be accompanied by a certified check on a National Bank for the sum of five thousand dollars (\$5,000.00), payable to the City of Newport, Ky., conditioned that if the bid be accepted the bond herein mentioned of fifty thousand dollars (\$50,000.00) will be furnished at the time specified. Should the bid or bidders fail to comply with the conditions of this ordinance as to said bond, then the said five thousand dollars (\$5,000.00) shall be forfeited to and become the property of the City of Newport, Ky.

Upon execution of said bond the check of the successful bidder shall be returned to him. Checks of all unsuccessful bidders shall be returned to them.

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Light—Public Bidding—Gas.

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(P.) This franchise shall expire by limitation twenty (20) years from the date of the acceptance of the successful bid, regardless of the time required to acquire or lay pipes or mains or the time of beginning to supply gas hereunder.

(Q.) The provisions of this ordinance shall apply to and mean artificial gas, and no other.

(R.) In the event the City of Newport should ever desire to light its streets, public places and buildings with gas during the life of this franchise, the successful bidder shall furnish the same for the price heretofore contracted for in this franchise, and furnish such lamp-posts, appendages, etc., subject to the approval of the Superintendent of Public Works and the Mayor, at the cost of the successful bidder.

(S.) The successful bidder shall establish and maintain in a central location in the City of Newport an office, at which all consumers of gas may during business hours pay their bills for gas consumed by them.

Said successful bidder shall at all times during the existence of the franchise granted hereunder maintain and keep at the office of the City Engineer of the City of Newport a station equipped at its cost with the most approved machines, apparatus and appliances for testing meters used in measuring gas in said city, and also for testing the candle-power, heat units and pressure of gas used in said city. Test of said gas shall be made daily thereby at said station, and a report kept of the result thereof, which record shall at all times be open for the inspection of the officers and agents of said city. If the gas furnished in said city shall fall below the standard required by this ordinance, the City Engineer shall thereupon notify the successful bidder thereof, and unless within twenty-four hours of the receipt of said notice the gas furnished shall be brought up to the standard required thereby, the said successful bidder shall, as liquidated damages, pay to the City of Newport the sum of fifty dollars (\$50.00) for each day said gas shall be below the said standard.

Any consumer believing his meter for measuring gas to him to be inaccurate, may at any time have the same tested at said

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Light—Public Bidding—Gas.

Light—Bid Accepted.

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station, and if said meter is found to be inaccurate, the successful bidder shall pay all expenses incident to said test, but if said meter is found upon said test to be correct, then the consumer shall pay said expense.

(T.) No gas shall be furnished under the franchise granted under this ordinance to any person or persons, corporation or corporations, private or municipal, outside the City of Newport.

Sec. 2. WHEN TO TAKE EFFECT.—That this ordinance shall be in force and take effect from and after its passage and approval.

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Resolution accepting the bid of B. Bramlage for the gas franchise offered for letting at public bidding by an ordinance providing for said bidding approved May 5, 1905, and awarding said franchise to said B. Bramlage, subject to the terms and conditions of said ordinance. (Approved July 6, 1905.)

*Be it resolved by the General Council of the City of Newport, Ky.*

Section 1. BID ACCEPTED.—That the bid of B. Bramlage to furnish artificial gas to the City of Newport, its residents and consumers, at the net price of seventy cents (\$0.70) per one thousand cubic feet for all purposes, said gas to be delivered through one service pipe and one meter, offered and received under the terms of and in pursuance of an ordinance entitled "An ordinance providing for the letting, at public bidding, of the exclusive franchise, right and privilege of entering in and upon the streets, alleys and public ways and places of and in the City of Newport, Ky., for the purpose of laying, acquiring, maintaining and operating mains and pipes for the purpose of supplying the City of Newport, its residents and consumers, with artificial gas for a period of twenty years from the acceptance of the successful bid thereof, and granting such franchise, rights and privileges to the highest and best bidder," approved May 5, 1905, be, and the same is hereby accepted, being the highest and best bid, and that the franchise and privileges offered by the terms of said ordinance be and are

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Railways—Elizabethtown, Lexington and Big Sandy Railroad Co.

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hereby awarded to said successful bidder, B. Bramlage, his successors and assigns, subject to the terms and conditions of said ordinance and said bid.

(Accepted in writing July 6, 1905; bond approved August 2, 1905.)

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### RAILWAYS.

An Ordinance granting to the Elizabethtown, Lexington and Big Sandy Railroad Company the right of way through the City of Newport, Ky., and providing for the construction and operation of the said road.  
(Passed November 11, 1886.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. RIGHT OF WAY.—That the Elizabethtown, Lexington and Big Sandy Railroad Company, its successors and assigns, is hereby granted the right of way for a double-track railroad through the City of Newport, and is hereby granted the right upon the line of said right of way, to construct, maintain and operate a double-track railroad, and to have and use thereon steam locomotives, freight and passenger cars, and also, along said right of way, to erect, maintain and operate a line or lines of telegraph, and to connect said telegraph line with any offices, buildings or depots owned or controlled by said company in Newport, and to make connection in said city with any other line or lines of telegraph.

Sec. 2. COURSE OF LINE PRESCRIBED.—Said right of way is granted over the following route: Entering the city upon its north-easterly side at a point north of the Water-works road or avenue, running thence southwesterly, crossing said Water-works road at a point as to a point where Monroe street would intersect said road if continued; thence southwesterly to Barry avenue, the center line of the railroad entering said Barry avenue at a point about

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Railways—Elizabethtown, Lexington and Big Sandy Railroad Co.

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midway between Hamlet street and the first alley east thereof; running thence southwesterly in Barry avenue to Monmouth street, and crossing said street at its intersection with said avenue; continuing its course in a southwesterly direction, crossing South alley, between Williamson and Liberty streets; crossing John street between said streets; crossing Orchard and York streets at their intersection with Liberty street; crossing Liberty street diagonally between Orchard and York streets; crossing Putnam, Columbia and Central avenue south of Liberty street, and continuing in said direction to Licking river.

Sec. 3. BRIDGES — HOW CONSTRUCTED.—Said railroad company shall erect and maintain iron columns upon the curbs of any of said streets or alleys where it may be necessary to cross the same by bridges, and may, upon said columns, erect and maintain all necessary bridges and trestles in the construction of said road.

Sec. 4. CROSSING OF WATER-WORKS ROAD.—If it shall be necessary in crossing Water-works road or avenue to raise or elevate the same, it may be done by said company entirely at its expense, and under the direction of the City Engineer; but said raise shall not exceed eleven (11) feet; said raising to be done only for the purpose of having said railroad pass under said avenue; said bridge crossing said road or avenue shall be of iron, of the full width of the road or avenue, to-wit: Sixty-six (66) feet; to be made so as to carry two lines of water-mains not less than twenty-four (24) inches in diameter, leading from the city to the Newport Water-works. Close railings, four (4) feet high, to be placed upon each side of said bridge. The approaches to said bridge shall not exceed a grade of four (4) feet in the hundred, to be made at the cost of said company, under the direction of the City Engineer.

Sec. 5. WATER PIPES—CHANGES AT EXPENSE OF COMPANY.—The City of Newport or the Board of Water-works thereof shall, at the expense of the Elizabethtown, Lexington and Big Sandy Railroad Company, make all changes in the water-pipe system of the city made necessary by the construction of said road.

Sec. 6. SWITCH — SPEED ON SWITCH.—The said company

## Railways—Elizabethtown, Lexington and Big Sandy Railroad Co.

shall have the right to lay, operate and maintain a switch-track to the Cincinnati and Newport Iron and Pipe Company's works on Front or Main street; said switch to leave the main track at or near where the same crosses the Water-works avenue, and then pass northwardly down Taylor creek below the top of the west bank of said creek, until it reaches Front street at a point near the old oil works; thence across said Main street to the north side and along the north side of said street to Washington avenue; said line to be upon the north sidewalk. No train to be run on said switch on Main street at a rate exceeding four (4) miles per hour.

Sec. 7. ROAD, HOW LAID.—Said road shall be laid as near the center of the streets over which it may pass as is practicable, except the switch on Front street, and shall conform as near as may be to the grade of said streets as established; and said company, upon completion of its track or tracks, or switch or switches, through or over any street or alley, shall immediately thereafter restore said street or alley to as good a condition as it was in before said work was done; and shall, perpetually thereafter, maintain in good repair all said parts of said streets and alleys which may be between the rails of its said tracks and switches, and shall also maintain said streets and alleys in good repair for a space of three (3) feet on the outside of said rails; and if any street or alley upon which it may lay its rails shall not be at said time improved by curbing, grading and macadamizing, or by either, said company shall, when said street or alley be improved, pay for so much of said work as shall lay within three (3) feet of the outside of its rails; and it shall at its own expense improve between its rails as nearly as practicable, in accordance with the improvement of said street or alley.

Sec. 8. GUTTER PLATES—CROSSINGS.—Said railroad company shall so construct its road as not to interfere with the drainage of the city, and shall not interfere with the flow of surface water upon the streets, and shall provide all gutter plates and crossings made necessary by the doing of said work, and shall maintain them.

Sec. 9. GATES — WATCHMAN.—Said company shall, when

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Railways—Elizabethtown, Lexington and Big Sandy Railroad Co.

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required by the City of Newport, provide and maintain gates or watchmen at all crossings or grades in the city, and no train or engine shall be run through the city unless the bell thereon is kept constantly ringing, and no cars shall be allowed to remain in any street except when being loaded or unloaded.

Sec. 10. RIGHTS RESERVED TO CITY.—The city reserves the right to make all necessary improvements in said streets of any kind and for all purposes deemed beneficial, not interfering with said railroad more than is necessary.

Sec. 11. RUNNING SWITCH FORBIDDEN—BACKING.—No running switch to be made within the city limits, or no car or train shall be backed without having a watchman at the front thereof.

Sec. 12. DEPOTS.—Said company shall, immediately upon the completion of said road, provide and maintain within the city suitable separate depots for freight and passengers, and make convenient and proper provision to meet the wants of the traveling public and commercial business of the city.

Sec. 13. BRIDGES OVER ROAD.—The said company shall at its own expense construct, and thereafter maintain, all bridges that may be necessary to be built and maintained over said railroad, at the crossing of any street or streets, now made or hereafter to be extended over said railroad by the authorities of the said city. Said bridges constructed under the supervision of the City Engineer. This provision only applies to such bridges as may be necessary west of the crossing of the Water-works road.

Sec. 14. DISCRIMINATION IN RATES FORBIDDEN.—Said company shall not discriminate in the rates of freight or passengers against the City of Newport, but their said rates shall conform to those for freight or passengers to or from Cincinnati and Covington.

Sec. 15. SWITCH—MAY BE USED BY L. & N. R. R. CO.—That any switch or track, constructed by the said company along Front or Main street, may be used by the Louisville and Nashville Railroad Company, for switching purposes, upon payment by the said last-named company one-half of the cost of construction thereof,

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Railways—Elizabethtown, Lexington and Big Sandy Railroad Co.

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and one-half of the cost maintaining the same; *provided, however,* that the Louisville and Nashville Railroad Company shall grant the Elizabethtown, Lexington and Big Sandy Railroad Company the right to use any part of their switch to Swift's Iron and Steel Works, on Lowell, on same conditions as the Louisville and Nashville Railroad Company use the Elizabethtown, Lexington and Big Sandy Railroad Company's switch on Front or Main street.

Sec. 16. CARE TO BE EXERCISED.—The conductors, engineers, officers, agents and employees of the company shall keep a careful and vigilant watch for teams, vehicles, and persons on foot or horseback, and prevent as far as possible any injury to person or property, and conform to all the laws and ordinances of the city affecting the citizens thereof, and for any violation of the said laws and ordinances the said person so offending shall be subject to the same fines and costs, collectable in the same way as citizens are.

Sec. 17. CITY HELD HARMLESS.—The City of Newport shall in no event be subject to pay any damage which may be caused to private property or to persons by reason of this grant, but the said company agrees to pay all such damages.

Sec. 18. SWITCHES FOR WATER-WORKS.—The City of Newport reserves the right to make such switches as may be necessary for the convenience of its water-works, at and near its pumping-house on the Ohio river, and may for that use such of the company's track and grounds as may be required for that purpose.

Sec. 19. EXCAVATIONS — GRADES.—In case any cut or excavation be made by said company between streets within the city limits, it shall be the duty of said company to grade down said cut or excavation on both sides of said road to the level of its ties.

Sec. 20. ACCEPTANCE IN WRITING.—This ordinance shall take effect when said company shall have accepted the same in writing.

(Accepted by writing of date November 11, 1886; appearing on minutes of Council November 25, 1886.)

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Railways—Louisville, Cincinnati and Lexington Railroad.

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An Ordinance granting to the Louisville, Cincinnati and Lexington Railroad the right of way through the City of Newport, and providing for the construction, control and management of the same. (Passed May 12, 1868.)

*Be it ordained by the City Council of the City of Newport, Ky.*

Section 1. **RIGHT OF WAY — COURSE.**—That from and after the passage of this ordinance there shall be granted unto the Louisville, Cincinnati and Lexington Railroad, their successors and assigns, the right of way for the purpose of constructing and operating a railroad of single track for steam locomotives and freight and passenger cars on, over and along the streets herein-after named, as follows, viz.:

Commencing on the line of Liberty street, if practicable, and if not, on any cross street south of Mayo street, and extending on, over and along such streets to the street at the foot of which the Newport and Cincinnati bridge may be constructed, and down the same to the said bridge.

The further privilege to said railroads to lay down on said streets all turnouts that may be necessary in going to and from said bridge, and any depot grounds, workshops or other buildings necessary for the transaction of the business of said railroads; also the right to lay down on the bank of the Licking river side tracks to any warehouse or manufacturing establishment now or that may hereafter be constructed not further north than Swift's rolling mill, for the purpose of receiving and delivering freight.

Sec. 2. **TEMPORARY USE OF WHARF.**—The city grants to said railroads the right to use without charge such portion of the unimproved wharf east of Monmouth street during the construction of said bridge not to exceed two years after the passage of this ordinance, as they may need for the construction of said road and the transfer of freight and passengers of said road across the Ohio river.

Sec. 3. **RIGHTS RESERVED — CITY HELD HARMLESS — ROAD TO CONNECT WITH BRIDGE.**—The object of this ordinance is to grant

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Railways—Louisville, Cincinnati and Lexington Railroad.

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perpetually to said railroads the rights and privileges before specified, subject, however, to any rights and privileges the city has before granted, but in no case to subject the city to pay for any damages that may be done to private property by reason of said grant; *provided* that said railroads shall construct their road through the said city so as to connect with the Newport and Cincinnati bridge at the foot of the street at which it may be constructed, for the purpose of crossing vehicles and foot passengers as well as for railroad purposes.

Sec. 4. ROADS—CONSTRUCTION OF.—Said roads shall be laid as near as possible in the center of the streets over which it may pass, and conform as near as may be to the grade of such streets, and the portion of the pavement of the street taken up to place the track thereon shall be carefully put down again, and the track shall be constructed so as to prevent the least possible impediment to the ordinary use of such streets. The said railroads shall keep the streets over which they may construct their road in good repair between the rails and within three feet outside of the same, with suitable bridges over the gutters crossed by them the entire width of the streets, so as to permit the flow of water under the same; and in case of their failure to keep the said streets in good repair, the city, upon ten days' notice being given, may proceed to repair the same at the cost of the said railroad.

Sec. 5. SPEED LIMIT.—No locomotive shall run or train be drawn at a greater speed than six miles an hour within the corporate limits, and the steam whistle shall not be used therein except as a signal, or in case of danger. The bell of the locomotive shall be constantly ringing in the city, and the conductors and engineers shall keep a vigilant watch for teams, vehicles, and persons on foot, and on appearance of danger to such teams, vehicles, and persons on foot, shall stop the locomotive as quickly as can be done, nor shall trains or cars be allowed to remain on the track in the streets except only when in actual process of being loaded and unloaded.

Sec. 6. RIGHTS RESERVED.—The city reserves the right to make all necessary improvements in said streets in the way of

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Railways—Louisville and Nashville Railroad Company.

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drainage, sewerage, water and gas privileges, not interrupting, however, the use of said railroads in said streets more than shall be absolutely necessary.

Sec. 7. WHEN TO TAKE EFFECT.—This ordinance shall take effect as soon after its passage as a contract shall be executed in accordance therewith, and in case said bridge shall not be constructed for foot passengers and vehicles, then the same shall be void. (*Contract executed May 7, 1869.*)

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An Ordinance to amend an ordinance entitled "An Ordinance granting the right of way through the City of Newport to the Louisville, Lexington and Cincinnati Railroad," etc. (Passed October 9, 1868.)

*Be it ordained by the City Council of the City of Newport, Ky.*

Section 1. AMENDMENT.—That the word "practicable" in Section 1 of said ordinance be stricken out, leaving the company to select which street they will use running parallel with the Ohio river, south of Mayo street.

Sec. 2. GRADE CHANGE.—Said company is authorized to change the grade of Saratoga street so that the grade shall not exceed eighty feet to the mile.

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An Ordinance granting to the Louisville and Nashville Railroad Company the right of way for the purpose of constructing and operating a switch or side track from its main track, on Saratoga street, to a point on Main street, near the Anchor Iron and Steel Works, and providing for the construction, management and control of same. (Passed December 9, 1886.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. RIGHT OF WAY—COURSE OF.—That the right of way be and is hereby granted to the Louisville and Nashville Rail-

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Railways—Louisville and Nashville Railroad Company.

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road Company, its successors and assigns, for the purpose of constructing and operating a switch or side track from the main track of said company on Saratoga street, in the City of Newport, Kentucky, to a point on Main street in said city, as follows: Beginning at a point on Saratoga street south of Taylor street; then in a northeasterly direction to a point on the south side of Eglantine street one hundred and thirty-two (132) feet, more or less, east of Saratoga street; thence along Eglantine street, as near the center of said street as practicable, upon and over the street railway track on said street to the west side of and across Washington avenue; thence eastwardly and northwardly to a convenient point on Kilgour street, south of Main street; thence north on Kilgour street and across Main street to the property of the Cincinnati and Newport Iron and Pipe Company. The track on Eglantine street to be laid with tram-rails. The city not to be liable for any damages to private property by reason of said grant.

Sec. 2. PROVISIONS OF FORMER ORDINANCE, PART HEREOF.—The provisions of sections four (4), five (5), and six (6) of an ordinance passed May 12, 1868, entitled "An ordinance granting to the Louisville, Cincinnati and Lexington Railroad the right of way through the City of Newport, Kentucky," and providing for the construction, control and management of the same, are hereby adopted as part of this ordinance as fully as though set out in terms.

Sec. 3. LOCOMOTIVES, ETC., ON SWITCHES — REGULATIONS.—No locomotives, car, or cars, while being taken to or brought from the Cincinnati and Newport Iron and Pipe Company's foundry, or any other points on said switch, shall be allowed to remain in Saratoga or Eglantine street, but the same must be immediately removed therefrom, and that not more than four (4) cars shall run at any one time on said switch.

Sec. 4. SUPERVISION OF CITY ENGINEER.—All work done under or by virtue of this ordinance upon the streets of the city shall be done under the direction of the City Engineer and at the cost of the company.

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Railways—Louisville and Nashville Railroad Company.

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Sec. 5. CROSSINGS, REGULATIONS—SPEED LIMIT.—The company is to provide and maintain iron gutter-plates at all crossings along the line of said switch, and no locomotive or car shall be drawn over said switch unless preceded by a flagman. No locomotive or car shall be run over said switch at a rate of speed greater than four (4) miles per hour, and no running switch shall be made upon said track.

Sec. 6. GRANT LIMITED TO GRANTEE.—The Elizabethtown, Lexington and Big Sandy Railroad Company is hereby prohibited from in any way using any part of the switch herein provided for, and any such use by said Elizabethtown, Lexington and Big Sandy Railroad shall immediately and of itself constitute and act as a complete revocation of all the rights herein granted to the Louisville and Nashville Railroad Company.

Sec. 7. PENALTY.—Any officer, agent, or employee of said company who shall omit, fail, or refuse in any wise to comply with the requirements of this ordinance, or if such person or persons shall violate any of the provisions thereof, then such person or persons, upon due conviction of said offense before the Mayor of said city, shall be fined not less than twenty-five (\$25) dollars, nor more than fifty (\$50) dollars and costs of prosecution.

Sec. 8. CROSSINGS OVER RIGHT OF WAY.—In granting the switch right to the Louisville and Nashville Railroad along Eglantine street, in Newport, Kentucky, the said railroad company hereby gives to the said city of Newport right of way over its grounds and railroad for the full width of sixty-six (66) feet at the following points, to-wit: At a point on their said grounds and road where Central avenue, if extended, would cross the same, and at a point on said ground and road where Brighton street, if extended, would cross the same. Said company is to construct and maintain over said road, at said points, crossings the full width of said right of way whenever said streets, or either of them, shall be extended to their said road, and further, the said company is to provide and maintain a watchman at each of said points whenever said streets are extended to and across their said

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Railways—Chesapeake & Ohio and Louisv'e & Nashv'e R. R. Co's.

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road, if at the grade, crossing at Brighton street, the grade of road. The crossing at Central avenue to be fixed by the City Engineer.

Sec. 9. ACCEPTANCE IN WRITING.—This ordinance shall take effect when accepted by the Louisville and Nashville Railroad Company in writing.

(*Acceptance received December 23, 1886.*)

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An Ordinance requiring the Chesapeake and Ohio and the Louisville and Nashville Railroad Companies to build bridges over their roads, and releasing said companies from certain obligations under former ordinances. (Passed December 19, 1889.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport.*

Section 1. BRIDGES TO BE MAINTAINED ACROSS ROADS.—That in consideration of certain grants made by the City of Newport to the Elizabethtown, Lexington and Big Sandy Railroad Company by ordinance dated November 11, 1886; to the Louisville, Lexington and Cincinnati Railroad by ordinance dated May 12, 1868; to the Louisville, Lexington and Cincinnati Railroad by ordinance dated October 9, 1868, and to the Louisville and Nashville Railroad Company by ordinance dated December 9, 1886, under which ordinances the Chesapeake and Ohio Railroad Company and the Louisville and Nashville Railroad Company now operate their respective roads, the said Chesapeake and Ohio and Louisville and Nashville Railroad Companies jointly and severally covenant and agree to and with the said City of Newport that they will construct and thereafter maintain, under the supervision and direction of the City Engineer of the City of Newport, wagon and foot bridges over and across their roads under the following general conditions, to-wit:

Wagon Bridge.—Beginning at a point near the intersection of Columbia and Liberty streets and running parallel to Liberty street westwardly, leaving the north side of Liberty street intact

## Railways—Chesapeake &amp; Ohio and Louisv'e &amp; Nashv'e R. R. Co's.

and using part of the south side of Liberty street, leaving a wagon-way of at least twenty feet in width between the north curbing of Liberty street and the north side of the substructure of the wagon bridge. The wagon-way of said bridge to be eighteen feet (18) wide, and the footways on each side to be four feet (4) wide; said bridge to have a maximum grade of seven feet (7) per one hundred feet (100); said bridge to cross the Chesapeake and Ohio and Louisville and Nashville Railroads in the center of Central avenue, the curved approach from Liberty street turning into Central avenue to have a radius of not less than one hundred feet (100) in the interior face of the roadway. The sidewalk to be raised six inches (6) above the roadway and to have close railings four feet (4) high on the outside of each footway; an additional footway shall lead from the said bridge to Liberty street at the south line of the intersection of Central avenue and Liberty street; said footway to be a stairway four feet (4) wide in the clear, with a tread of twelve inches (12) to a raise of six inches (6) with one intermediate platform six feet (6) long half way up the stairs. The said stairway and platform to be enclosed on each side with a suitable close railing four feet (4) high.

Footways to be eight feet (8) wide and approached on the north side by stairways eight feet (8) wide, with a tread of twelve inches (12) to a raise of six inches (6). To have an intermediate platform half way up the stairway eight feet (8) long and to be enclosed on each side by a suitable close railing four feet (4) high, the stairway to have both tread and riser. The approach to said footbridges on the south side to be extended toward Ward avenue, with a descending grade not to exceed ten feet (10) per one hundred feet (100); said footbridges to be located one at York street and one at Putnam street. The footways to be sufficiently strong to withstand without perceptible vibration or swagging a weight of three hundred pounds (300) per square foot, and the wagon-ways to be sufficiently strong and rigid to allow the operation of cars drawn by horse-power, electricity or cable, and with perfect safety.

## Sec. 2. RELEASE OF OBLIGATIONS UNDER FORMER GRANTS.—

Railways, Private—Addyston Pipe and Steel Company.

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The construction of said bridges by said companies and the acceptance of same by the city shall operate as a discharge and release of said Chesapeake and Ohio and Louisville and Nashville Railroad Companies from whatever obligations they or either of them may be under to construct bridges or crossings over or across their respective roads west of Monmouth street, arising under the ordinances mentioned in the first section of this ordinance, but said companies are not released from the obligation to keep said bridges in good order and safe condition, and to that end the city hereby expressly reserves all legal rights to compel said companies to maintain said bridges in good order and safe condition.

Sec. 3. COMPANIES NOT LIABLE TO PROPERTY-HOLDERS.—Neither the Chesapeake and Ohio nor the Louisville and Nashville Railroad Companies are to be liable to property-holders for any damage to property by reason of the proper construction of the said bridges.

Sec. 3. WHEN TO TAKE EFFECT.—This ordinance shall be in force and take effect when the said railroad companies shall both signify their acceptance by endorsing it upon this ordinance.

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RAILWAYS—PRIVATE.

An Ordinance granting to the Addyston Pipe and Steel Company the right to construct tracks and operate cars across First street, in the City of Newport, by steam and other power. (Passed February 27, 1891.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport.*

Section 1. LOCATION.—That the right is hereby granted to the Addyston Pipe and Steel Company to construct track or tracks across First street in the City of Newport, connecting their foundry or works situated east of Washington avenue and may use or

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Railways, Private—Newport Iron and Brass Foundry Company.

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operate said tracks with cars impelled by animal, steam or electric power.

Sec. 2. SUPERVISION.—Said tracks shall be constructed under the supervision of the City Engineer and shall conform as near as practicable to the grade of the street and so as not to interfere with the use thereof for sewerage, drainage, gas or water purposes, and said company shall keep their said tracks in good and safe condition for the use of persons or vehicles, and shall so manage their tracks and cars as to interfere as little as possible with the ordinary travel thereon.

Sec. 3. SPEED LIMIT.—No cars shall be drawn at a greater rate of speed than four miles per hour, and the conductors or managers thereof shall keep a vigilant watch for vehicles, foot passengers and all others, and give them such warning and signals as the public safety demands; *provided, however,* that the said Addyston Pipe and Steel Company shall be held responsible for any and all damages that may happen through the operation of said track.

Sec. 4. REPEALING CLAUSE.—The ordinance entitled "An ordinance granting to the Cincinnati Iron and Pipe Company the right to construct tracks and operate cars across First street in the City of Newport by steam and other power," passed May 12, 1887, is hereby repealed.

Sec. 5. WHEN TO TAKE EFFECT.—This ordinance shall be in force from and after its passage.

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An Ordinance granting the Newport Iron and Brass Foundry Company the right to build a switch from the Louisville and Nashville Railroad on Lowell street, in this city. (Approved December 1, 1902.)

*Be it ordained by the Newport, Ky., Board of General Council.*

Section 1. LOCATION.—That the right is hereby granted to the Newport Iron and Brass Foundry Company to construct and keep in repair a switch track from the tracks of the Louisville and

**Railways, Private—Swift's Iron and Steel Works.**

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Nashville Railroad on the east side of Lowell street, over and across Twelfth street, at the present grade of said street, and continuing southwardly along the east side of Lowell street to the corporation line. In constructing said switch track the drainage of the street shall not be obstructed, and the track between the rails and for one foot outside must be planked and kept in good repair.

**Sec. 2. CITY HELD HARMLESS.**—The said Newport Iron and Brass Company shall save the city harmless from all damages to the Licking Turnpike Company, or to private persons, that may be sustained by them because of the construction of said switch.

**Sec. 3. SUPERVISION.**—The switch shall be built under the supervision of the City Engineer, and any violation of the terms of this contract shall, unless the same be remedied after ten days' notice in writing from the city, be cause for the city to remove said switch at the expense of said foundry company.

**Sec. 4. WHEN TO TAKE EFFECT.**—This ordinance shall take effect from and after its passage and approval.

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Resolution. (Adopted May 5, 1881.)

**RIGHT OF WAY FOR SWITCH.**—*Resolved*, That upon the application of Swift's Iron and Steel Works, the right of way is granted for the extension of a branch of the Louisville, Cincinnati and Lexington Railway from the southern boundary of the city along Lowell street to Swift's Iron and Steel Works, such extension to connect with said railway at or near the coal elevator, now outside the city limits, and to be made at a grade to be fixed for said street by the City Engineer and without any cost or expense whatever to the city, and with the reservation and express understanding that any other railroad company may use said tracks and way, being responsible for reasonable charges for such use, the railroad

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Railways, Private—Swift's Iron and Steel Works.

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company to keep said street in repair between the rails and for two feet on the outside of said rails, and no train to be run on said track at a greater speed than at the rate of four miles an hour. This resolution to take effect and be a binding agreement between the City of Newport and the Swift's Iron and Steel Works when formally signed and accepted by them, and not until.

Accepted.      SWIFT'S IRON AND STEEL WORKS.

(Signed.)    GEO. E. CLYMER, *Vice President.*

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An Ordinance prescribing and regulating the terms and conditions upon which cars shall be run over and upon the branch track of the Louisville, Cincinnati and Lexington Railway Company, extending along Lowell street, in the City of Newport, Ky., to Swift's Iron and Steel Works. (Passed May 19, 1881.)

Section 1. TERMS AND CONDITIONS OF GRANT.—WHEREAS, The City of Newport has granted to the Louisville, Cincinnati and Lexington Railway Company and the Swift's Iron and Steel Works the right of way for the extension of a branch of said railway from the southern boundary line of said city, along Lowell street therein, to the said Swift's Iron and Steel Works, and it therefore becomes necessary on the part of said city to prescribe and regulate the terms and conditions upon which said parties shall exercise said right of way, therefore,

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, That it shall be the duty of said railway company and iron and steel works, as stipulated in their written contract and agreement with said city, of May 5, 1881, to keep said Lowell street in good condition and repair between the rails of said track and for two feet outside of the same, and in case of failure, refusal or omission upon the part of said parties so to do, then and in that case said street shall be so repaired by said city between said rails*

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Railways, Private—Swift's Iron and Steel Works.

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and for said distance of two feet outside of the same, whenever in the judgment of the City Engineer and the chairman of the Committee on Improvements of the City Council it may be necessary to so repair it, and the cost and expenses thereof shall be charged to and collected from said parties or either of them.

Sec. 2. SPEED LIMIT.—That it shall be unlawful for the engineer, conductor or other employee or officer of the train on said branch, or any other person, to run the cars or locomotive over said track at a speed greater than four miles an hour, and any such engineer, conductor, officer, employee or other person so doing shall be, upon due conviction thereof before the Mayor of said city, fined in any sum not exceeding \$25.00 and cost of prosecution.

Sec. 3. PROVISIONS OF FORMER ORDINANCE.—Be it also ordained, That the second and third sections of an ordinance entitled "An ordinance fixing certain regulations as to speed, etc., etc., within the corporate limits of the City of Newport, and prescribing penalties for the violation thereof," passed March 29, 1877, be applied to the said branch for the further regulating of the running of said cars and locomotives over the same. And that it shall be unlawful for any of said officers or employees named herein, or other person, to violate or fail to comply with the requirements of said sections, and said persons so doing shall, upon due conviction thereof before the Mayor, be fined in any sum not exceeding \$25.00 and cost of prosecution.

Sec. 4. ACCEPTANCE.—This ordinance shall take effect and be in force from and after the date of its passage; *provided, however,* that before the said railway company and iron and steel works shall exercise the said right of way along said Lowell street for said purposes they shall signify their assent to the terms and requirements of this ordinance and their acceptance thereof by affixing the official signature of their duly authorized officers hereto.

SWIFT'S IRON AND STEEL WORKS.

By GEORGE E. CLYMER, Vice-President.

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Railways, Private—George Wiedemann Brewing Company.

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An Ordinance granting to The George Wiedemann Brewing Company the right to build a switch from the Chesapeake and Ohio Railroad across Monmouth street, in this city. (Passed June 5, 1890.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. LOCATION.—That the right is hereby granted to The George Wiedemann Brewing Company to construct and keep in repair a switch track from the tracks of the Chesapeake and Ohio Railroad, on the east side of Monmouth street, over and across said Monmouth street at the present grade of said street, parallel to and thirteen feet from the present south track of said railroad crossing said street. In constructing said switch track the drainage of the street shall be taken off by suitable pipes. Said switch must be inside the safety gates of the railroad, and the track between the rails and for one foot outside must be planked and kept in good repair.

Sec. 2. CITY HELD HARMLESS.—The said George Wiedemann Brewing Company shall save the city harmless from all damages to the Campbell Turnpike Company or to private persons that may be sustained by them because of the construction of said switch.

Sec. 3. SUPERVISION.—The switch shall be built under the supervision of the City Engineer, and any violation of the terms of this contract shall, unless the same be remedied after ten days' notice in writing from the city, be cause for the city to remove said switch at the expense of said brewing company.

Sec. 4. WHEN TO TAKE EFFECT.—This ordinance shall take effect from and after its passage.

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Street Railways—Newport and Dayton Street Railway Company.

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## STREET RAILWAYS.

An Ordinance providing for the construction, management and control of the Newport and Dayton Street Railway Company, and for repealing all former ordinances relating thereto. (Passed April 14, 1887.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. RIGHT OF WAY—COURSE—BONUS.—That the Newport and Dayton Street Railway Company is hereby authorized, on the conditions hereafter named, to construct and operate a street railway upon what is known as a flat or tram-rail track from the corporate limits of the City of Newport on Main or Front street to the corner of York and Front streets, with double track or single track and switches. Said company to pay the City of Newport twelve dollars and fifty cents (\$12.50) per annum for each and every regular car so run by it, or by any one for it, on said track. The said company to operate its cars by cable or electricity with ground connection, or animal power.

Sec. 2. COMPANY TO KEEP PORTION OF STREET IN REPAIR.—Said company shall keep the street between the rails of its said track, and two feet on each side of its track or tracks, in good order and repair, and shall renew the pavement of the street between the rails of said track and two feet on each side thereof as often as the City Council may order, and shall repair said part of said street whenever and in the manner in which said City Council may order and direct.

Sec. 3. SPEED LIMIT.—Said company shall not run its cars at a greater speed than six miles per hour, and shall not stop its cars in the intersection of any street to receive or unload passenger or passengers, but it shall on all occasions run its cars across every intersecting street and stop at the opposite crossing, so as to leave street clear from obstruction.

Sec. 4. FORFEITURE.—Should said Newport and Dayton

*See Louisville & Southern and Tel & Tel Co.  
22-4 U.S. 619*

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Street Railways—Newport Street Railway Company.

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Street Railway Company at any time violate any of the conditions herein mentioned, then this ordinance shall stand repealed, and all rights and privileges by said company acquired under and by virtue of this ordinance shall be forfeited, and the City Council may at any time thereafter order the removal of said track, cars and horses of said company from and without the limits of said City of Newport, and may compel said company to put any and all streets used by it as herein mentioned in a good and proper condition.

Sec. 5. REPEALING CLAUSE.—Be it further ordained that the ordinance entitled "An Ordinance concerning the Dayton and Newport Street Railway Company," passed November 17, 1870, be, and the same is hereby repealed.

Sec. 6. WHEN TO TAKE EFFECT.—This ordinance shall take effect and be in force from and after its passage and approval.

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An Ordinance providing for the construction and management of a street railway in the City of Newport. (Passed October 3, 1867.)

*Be it ordained by the City Council of the City of Newport, Ky.*

Section 1. RIGHT OF WAY — COURSE.—That from and after the passage of this ordinance there shall be granted unto the Newport Street Railway Company, their successors and assigns, the exclusive privilege of constructing and operating a street railway of double or single tracks, with all necessary turnouts and switches, on, over and along the streets hereinafter named, as follows, viz.:

Commencing on Hubbard street, at the eastern approach to the Newport and Covington bridge, running thence along and over Hubbard street to Madison street or Bellevue street, thence through and along either of said streets eastwardly to York street, thence southwardly through and along said street to Williamson

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Street Railways—Newport Street Railway Company.

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street, thence through and along said street eastwardly to Monmouth street.

Sec. 2. RAILWAY—USE OF.—Said railway shall be used for no other purpose than the transportation of passengers and their ordinary baggage, and the cars shall be of the best style and class in use on such railways.

Sec. 3. REGULATIONS RESERVED TO CITY.—The said City Council shall, at its option, at all times have the power to make such regulations as to speed as the public safety may require.

Sec. 4. FARE—RATES.—Said Street Railway Company shall not charge a greater sum than five cents as the fare for each passenger within the limits of the City of Newport, and not more than five cents to Covington, with the additional cost of fare across the Newport and Covington bridge; and not more than ten cents to terminus of line in Cincinnati as high as Fourth street, with the additional fare that may be charged by the Newport and Covington bridge; *provided*, that said company should procure the right of way, or should extend their line as high as Fourth street, Cincinnati; and the said company shall return passengers from said points at the said fares.

Sec. 5. TRACK—CONSTRUCTION, ETC.—The track shall be of the gauge of five feet and two inches, and of the same pattern of rail as now laid in the City of Covington by the Covington Street Railroad Company, and in such manner as to be of the least impediment to the ordinary use of the streets, with suitable bridges over the entire width of the streets over the gutters, so as to permit the flow of water under them, and said company is to keep the streets in good repair between the rails; and in case of their failure so to do upon ten days' notice being given them, said city shall proceed to repair said streets as designated at the cost of said railway company.

Sec. 6. LICENSE.—Said company shall pay into the city treasury for the next five years the sum of ten dollars annually as a license for each and every car run and used upon said railway, and at the expiration of said five years the City Council may fix

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Street Railways—Newport Street Railway Company.

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the license at a less or greater sum than ten dollars, but not to exceed twenty dollars per car.\*

Sec. 7. OPERATION — RULES.—In the running and operating of said railway, the company, their successors and assigns, shall be governed by the following rules, viz.:—

1. No car shall be drawn at a greater speed than six miles per hour.

2. The conductors and drivers shall keep a vigilant watch for teams, vehicles, persons on foot, and especially children, and on the first appearance of danger to such teams, vehicles, persons or other obstructions shall stop the car.

3. The conductors shall not require or allow ladies or children to enter or leave the cars while in motion, and shall stop at all crossings required to take on or let off passengers.

4. The conductors shall announce to passengers the names of streets or the places wherever the cars cross in connection with other lines.

5. The cars, after sunset, shall be provided with signal lights.

6. The cars shall observe the same regulations as to time of running as those of the Covington Street Railway Company, commencing to run as early in the morning and continuing to run as late at night.

Sec. 8. TIME FOR COMPLETION — FORFEITURE.—The said company, their successors and assigns, within one year from the passage of this ordinance, shall complete the said route of railway and put the same in operation, or forfeit the privileges granted.

Sec. 9. RIGHTS RESERVED.—The city reserves the right to make all necessary improvements in said streets in the way of drainage, sewerage, water and gas privileges.

Sec. 10. ACCEPTANCE IN WRITING.—The Newport Street Railway Company, their successors and assigns, shall, within thirty days from the passage of this ordinance, enter into a con-

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\* NOTE.—*Held:* That the ten dollars per car is, in no sense, a tax, but a bonus for the franchise granted to the company. City of Newport vs. S. Cov. and Cin. St. Ry. Co., 89 Ky. 29; 11 R. 319.

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Street Railways—Newport Street Railway Company.

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tract with the City of Newport upon the terms and conditions specified in this ordinance, and upon failure so to do, this ordinance may be repealed.

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An Ordinance prescribing the terms and conditions upon which the Newport Street Railway Company may construct branches communicating with its present route, by extending its lines of street railway over and upon certain streets in the City of Newport, Ky. (Passed May 19, 1881.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. RIGHT OF WAY—COURSE.—That the Newport Street Railway Company may, upon the terms and conditions hereinafter named, construct branches communicating with its present route by extending its lines of street railway over and upon the following named streets in said city, to-wit: On Williamson street to Washington avenue, on Washington avenue to Eglantine street, on Eglantine to the Newport and Cincinnati Bridge, thence on Saratoga street to Taylor street, and on Taylor street to the lines of said road on Washington avenue.

Sec. 2. CONSTRUCTION AND OPERATION—CONDITIONS.—The said branches or lines are to be constructed and operated by said company under its charter and in accordance with and subject to all the terms, conditions and requirements of the existing ordinance as to said road, passed October 3, 1867, and entitled "An ordinance providing for the construction and management of a street railway in the City of Newport." And further, and in addition to the terms, conditions and requirements of said ordinance, the said company is in no case to charge passengers on any of its cars an amount exceeding the following rates of fare, viz.: Sixteen tickets for one dollar, eight tickets for fifty cents, and four tickets for twenty-five cents. Each of said tickets good for one ride from Newport to Cincinnati, or from Cincinnati to Newport.

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Street Railways—Newport Electric Street Railway Company.

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The local fares to be twenty-five tickets for one dollar, twelve tickets for fifty cents, and six tickets for twenty-five cents. And the local cash fare in Newport not to exceed five cents. The said company shall lay a double track on said Washington avenue from said Taylor street to Williamson street, said track to be laid in the same manner as its present one on York street, and said lines of railway as herein defined are to be completed and operated by said company within thirty days from May 19, 1881.

Sec. 3. ACCEPTANCE.—This ordinance shall be in force from the time that the President of said company shall subscribe his official signature hereto, and shall be a binding contract between the city and said company.

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An Ordinance consenting that, and prescribing the terms upon which, the Newport Electric Street Railway Company may build, operate and maintain an electric street railway on and over certain streets in the City of Newport. (Passed September 11, 1890.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. RIGHT OF WAY — COURSE.—That upon the terms and conditions hereinafter prescribed, the consent of the City of Newport is given to the Newport Electric Street Railway Company and its assigns to use so much of the following streets of the City of Newport, to-wit: Central avenue, from the south corporate line of the city to Twelfth street; Twelfth street, from Central avenue to Columbia street; Columbia street, from Twelfth street to Tenth street; Tenth street and the Water-works avenue, from Central avenue to the junction of Grand avenue turnpike and Water-works avenue; Monmouth street, from the south corporate line of the city to Eglantine street; Eglantine street, from Monmouth street to Saratoga street; Taylor street, from Monmouth street to York street; York street, from Taylor street to

**Street Railways—Newport Electric Street Railway Company.**

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Madison street; Madison street, from York street to Monmouth street, as it may deem necessary for the construction, operation and maintenance of a single or double track electric railway, or any other improved system of motive power that may hereafter come into use, saving steam railway, from any bridge crossing the Ohio river from Newport to Cincinnati, to the joint railway depot at the head of Monmouth street, or to the southern corporate line of the City of Newport, or both.

**Sec. 2. TERMS AND CONDITIONS.**—The terms and conditions upon which said consent is made are as follows:

First—No more than five cents for a single fare shall be charged to any person for riding in any of the cars of said company from or to any point in the City of Newport, to or from any point in the City of Cincinnati to which the same may run. Local fares shall be six tickets for twenty-five cents, good for a ride in the corporate limits of the City of Newport.

Second—Said company shall pay into the city treasury for the next five years the sum of ten dollars annually as a license for each and every passenger car regularly run and used upon said railway, and at the expiration of said five years the Board of Councilmen may fix the license at a less or greater sum than ten dollars, but not to exceed the license charged all other street railway companies in said city.

Third—Upon completion of the road, during summer months cars shall leave the terminus in the City of Newport not later than 5 o'clock A. M., and during the winter months not later than 6 o'clock A. M. Until 9 o'clock A. M., and 4 o'clock P. M. to 7 o'clock P. M., cars shall run at intervals of not less than eight minutes; at all other times at intervals of not less than fifteen minutes. Cars shall be run continuously at said intervals from the said times in the morning until not earlier than the time which a car leaving the Newport terminus shall reach the Cincinnati terminus of the line at 12 o'clock at night to return to the terminus in the City of Newport. By summer months is meant from the first day of April until the first day of November; by the

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Street Railways—Newport Electric Street Railway Company.

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winter months, from the first day of November until the first day of April. By Cincinnati terminus of line is meant the point farthest from the bridge over the Ohio river which may be crossed, to which the cars of the company may go, whether over their own or another company's tracks or lines.

Fourth — No car shall be run over the streets of the city at a greater speed than ten miles per hour.

Fifth — Every car when running over said line shall have a driver or motorman operating the cars, and a conductor. Under no circumstances shall the driver or motorman be permitted to leave the place from which he operates the car while the same is in motion. Cars shall not be compelled to stop except at the farther crossing at intersection of streets to take on or let off passengers, and the names of all streets crossed shall be announced so that passengers may hear it.

Sixth — Cars after sunset shall be provided with signal lights.

Seventh — The right to tear up the tracks for the purpose of improving or repairing the streets, building or repairing sewers, laying gas or water pipes, or repairing the same, or making any improvement, or doing any work which necessitates the tearing up of the track or poles or displacement of the wires, is reserved to the city after due notice to the company, and the said company shall, at its own proper cost, replace the same.

Eighth — Should the city improve the streets in any way, which, in the judgment of the city authorities, requires a change in the kind and manner of track to least incommod public travel, then said company shall, at its own cost, remove the old tracks and replace the same with that designated by the city authorities.

Ninth — The tracks shall be of standard gauge, and so laid and maintained as to offer the least impediment to public travel, and of the rail that the City Engineer shall designate. Where tracks cross gutters, suitable iron gutter-plates shall be placed and maintained by the street railway company the entire width of the street, so as to permit the flow of water under them.

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Street Railways—Newport Electric Street Railway Company.

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Tenth — Signal bells shall be rung on each car when approaching and while crossing streets, and while any person, animal or vehicle is on the tracks in front of the car.

Eleventh — Said company shall be liable to the city for all damages it may sustain by reason of any of the grants herein made, and shall indemnify the city against all such damages by a bond with security, to be approved by the Board of Councilmen, or it may give first mortgage on its property and franchises in lieu of bond.

Twelfth — The poles erected by the company shall be of cedar or other hard wood, to be approved of by the City Engineer, of smooth surface and painted two coats of paint, and shall be kept clean, and the maintenance of them and of the wires and appendages shall conform in so far as applicable to the rules and regulations in force in Cincinnati as to like roads.

Thirteenth — Any other street railway company may use the tracks of this road over the bridge or bridges, and not to exceed seven squares from the Newport end of the bridge or bridges over the Ohio river on which it may cross the same, and if the said other road is propelled by electricity, may use the electrical power of this company to light and propel its cars over the bridge or bridges and said part of the road. This company providing power sufficient to permit of the same, said other company paying a fair compensation for the use of tracks and for said power, to be agreed on if possible, or if not, to be determined by arbitration, each company to choose one arbitrator and the third to be chosen by the two so chosen, or if they fail, then the Circuit Judge of the district to appoint the third arbitrator. Said arbitrators shall fix compensation per passenger, to be paid quarterly or monthly. Either company may have a re-appraisement in like manner after the lapse of five years from last appraisement.

Pending negotiations and arbitration, such other company may at once use the tracks and power of said company on executing bond in a sum to be fixed by the Mayor, and with sureties

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Street Railways—Newport Electric Street Railway Company.

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to be approved by him, to cover the compensation for use of said track and power until the same shall be fixed as provided herein.

Fourteenth — The construction of the said road shall be under the supervision of the City Engineer.

Fifteenth — The said road shall be constructed and in operation within one year of the passage of this charter, and if not, then this ordinance may be repealed, provided that the time which may elapse pending law suits impeding the work to which the company is a party shall not be included in said time.

Sixteenth — The power-house for said road shall be built and maintained within Campbell County, Kentucky.

Sec. 3. The rights and privileges conferred by this ordinance are to endure for twenty-five years, and no longer.

Sec. 4. ACCEPTANCE IN WRITING.— This ordinance shall take effect from and after its passage and its acceptance in writing by said Newport Electric Street Railway Company, if accepted within ten days after its passage.

*(Acceptance of date September 13, 1890; received and filed September 25, 1890.)*

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An Ordinance consenting that the Newport Electric Street Railway Company may build, operate and maintain an electric street railway on and over certain streets in the City of Newport. (Approved May 7, 1891.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. RIGHT OF WAY—COURSE.—That upon all and singular the terms and conditions prescribed and imposed by an ordinance entitled "An ordinance consenting that, and prescribing the terms upon which, the Newport Electric Street Railway Com-

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Street Railways—Newport Electric Street Railway Company.

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pany may build, operate and maintain an electric street railway on and over certain streets in the City of Newport," passed September 11, 1890, the consent of the City of Newport is given to the Newport Electric Street Railway Company and its assigns to use so much as it may deem necessary in the construction, operation and maintenance of single track with turnouts, or double track, or either electric railway or any improved system of motive power that may hereafter come into use, saving steam railway, of the following streets: Saratoga street, from the entrance to the Newport and Cincinnati bridge at the foot thereof, to Taylor or Third street; Taylor or Third street, from Saratoga to Central avenue, including the entrance to the new bridge over the Ohio river; Central avenue, from Taylor or Third street to Tibbatts or Tenth street; Tibbatts or Tenth street, from Central avenue to Monroe street; Monroe street, from Tibbatts or Tenth street to Madison or Fifth street; Madison or Fifth street, from Monroe to Overton street; Overton street, from Madison or Fifth street to Taylor or Third street; Taylor or Third street, from Overton street to Saratoga street, including so much of Washington avenue as necessary to continue on Taylor street at that point; and also from Central avenue, on Williamson or Eleventh street to the Licking river, including any approach to any bridge crossing said river; and also from Overton street, on Taylor or Third street to the east corporate line of the city.

Sec. 2. **STREETS TO BE REPAIRED.**—That said company shall restore all said streets, avenues and ways used by them to as good condition as they were before the opening of same for the laying of said tracks.

Sec. 3. **WHEN TO TAKE EFFECT.**—This ordinance shall take effect and be in force from and after its passage and approval.

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Street Railways—Newport Electric Street Railway Company.

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An Ordinance extending the time for the Newport Electric Street Railway Company to build, operate and maintain an electric street railway on and over certain streets in the City of Newport, under the ordinances passed September 11, 1890, and May 7, 1891, and resolutions adopted January 28, 1892, and April 21, 1892, and regulating fares thereon.  
(Passed May 19, 1892.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. TIME EXTENDED.—The time within which the said Newport Electric Street Railway Company and its assigns shall construct, operate and maintain an electric street railway on and over certain streets in the City of Newport, as provided in ordinances duly passed and adopted on September 11, 1890, and May 7, 1891, and as subsequently extended by resolutions duly adopted January 28, 1892, and April 21, 1892, the construction of said street railway having been already commenced by said company, is hereby extended and continued for the period of one year from and after the passage of this ordinance.

Sec. 2. TERMS AND CONDITIONS.—Said extension of time for completing and putting into operation said railway is made upon all and singular the following terms and conditions:

First — That the said company shall have the right to charge and collect a five-cent cash fare, and no more, from or to any point in the City of Newport, to or from any point in the City of Cincinnati, and a five-cent cash fare, and no more, for each and every continuous ride within the corporate limits of the City of Newport.

Second — Said company shall pay into the city treasury the sum of two hundred and fifty dollars, and no more, on the first day of May of each and every year, as a license fee on its franchise and the use and occupancy of the streets, which said license fee shall be in lieu of all other license fees, municipal taxes and assessments of any kind whatsoever, including all street improve-

**Street Railways—Newport Electric Street Railway Company.**

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ments, excepting only the ad valorem tax on its real estate and personal property.

Third—No car shall run over the streets of the city at a speed greater than twelve miles an hour.

Fourth—Should the city improve the streets in any way which, in the judgment of the city authorities, requires a change in the grade of the track or tracks, then said company shall, at its own cost, change the grade of said track or tracks so as to conform to the grade of the street so established.

Fifth—The track shall be of the local standard gauge of five feet two and one-half inches, and of the most approved girder rail pattern. Said track or tracks shall be so laid and maintained under the supervision of the City Engineer as to offer the least impediment to public travel. Where tracks cross gutters, gutter-plates of iron shall be placed and maintained by said company the entire width of the street, so as to permit a flow of water under it.

**Sec. 3. APPLIED TO ORDINANCE OF MAY 7, 1891.**—The foregoing terms and conditions in Section 2 hereof shall extend and apply to the ordinance passed and adopted May 7, 1891, and to all the terms and conditions thereof.

**Sec. 4. ACCEPTANCE IN WRITING.**—This ordinance shall be accepted in writing by said The Newport Electric Street Railway Company within twenty (20) days after its passage, and when so accepted in writing shall constitute a contract between the City of Newport, Ky., and The Newport Electric Street Railway Company and its assigns.

**Sec. 5. WHEN TO TAKE EFFECT.**—This ordinance shall take effect and be in force from and after its passage and approval.

*(Acceptance received and ordered filed June 2, 1892.)*

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Street Railways—Newport Electric Street Railway Company.

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An Ordinance consenting that, and prescribing the terms upon which, the Newport Electric Street Railway Company may build, operate and maintain an electric street railway on and over certain streets in the City of Newport. (Passed May 18, 1893.)

WHEREAS, By certain ordinances heretofore passed and adopted by the City Council of the City of Newport, and duly approved by the Mayor of said city, of dates September 11, 1890, May 7, 1891, and May 19, 1892, the consent of the City of Newport was given by said ordinances to the Newport Electric Street Railway Company and its assigns to build, construct, operate and maintain an electric street railway upon and over certain streets in said city named in said ordinances, and to use so much of said streets as it might deem necessary in the construction, operation and maintenance of a single track with turnouts, or double track, or either, electric railway, or any improved system of motive power that may hereafter come into use, saving steam railway; and,

WHEREAS, In the said drafting of said ordinances, by some oversight or omission the following portions of the following streets were omitted from the said ordinances, to-wit: Williamson or Eleventh street, from York to Central avenue, and Central avenue, from Eleventh to Tenth streets; and,

WHEREAS, In consideration of the giving by the City of Newport the consent of the said city to the said Newport Electric Street Railway Company and its assigns, to use said portions of the said streets in the same manner and under the same terms and conditions as provided for under said ordinances for the streets and portions of streets named in the said ordinances, the said Newport Electric Street Railway Company hereby agrees and promises, for itself and assigns, to put concrete foundations under all the tracks and cross-ties to be laid and put down by it on and over the streets of the City of Newport that are paved, or to be, or that may hereafter be paved, with brick, granite or asphalt, on and over which the said street railway has been by said ordinance heretofore named and specified, authorized to, and

Street Railways—Newport Electric Street Railway Company.

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for which the City of Newport has given its consent to said company and its assigns to lay, run, operate and maintain its line or lines of railways; and now, therefore, in consideration of the premises,

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. GRANT—TERMS AND CONDITIONS—COURSE OF STREETS.—That upon the terms and conditions prescribed and imposed by an ordinance entitled "An ordinance consenting that, and prescribing the terms upon which the Newport Electric Street Railway Company may build, operate and maintain an electric street railway on and over certain streets in the City of Newport," passed and approved September 11, 1890, and an ordinance entitled "An ordinance consenting that the Newport Electric Street Railway Company may build, operate and maintain an electric street railway on and over certain streets in the City of Newport," passed and approved May 7, 1891, and an ordinance entitled "An ordinance extending the time for the Newport Electric Street Railway Company to build, operate and maintain an electric street railway on and over certain streets in the City of Newport under the ordinance passed September 11, 1890, and May 7, 1891, and resolutions adopted January 28, 1892, and April 21, 1892, and regulating fares thereon," passed and approved May 19, 1892, the right is hereby granted to the Newport Electric Street Railway Company and its assigns to use so much (as they may deem necessary) in the construction, operation and maintenance of a single track without turnouts, or double track, or either, electric railway, or any improved system of motive power that may hereafter come into use, saving steam railway, of the following portions of the following streets, to-wit: Williamson or Eleventh street, from York to Central avenue, and Central avenue, from Eleventh to Tenth street, with all the necessary poles, wires and equipment.

Sec. 2. ROAD—HOW CONSTRUCTED—CONCRETE FOUNDATION

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Street Railways—Newport Electric Street Railway Company.

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TIONS.—That the said Newport Electric Street Railway Company and its assigns are hereby required to, and shall, under the direction of and supervision of the City Engineer, lay down and put a good, solid foundation of concrete under all its tracks and cross-ties, and under all the streets and parts of streets in said city, which may be paved with brick, granite or asphalt, on and over which the said street railway company may lay down, run and operate and maintain its line or lines of street railway in said city. The said concrete foundation as aforesaid shall be laid and put down as aforesaid at the exclusive cost and expense of the said Newport Electric Street Railway Company and its assigns, and shall be done under the direction and supervision of the Engineer of said city, and in accordance with the specifications therefor to be provided by the said Engineer.

Sec. 3. EXTENSION OF TIME.—In consideration of the laying and putting down of the said concrete foundation as aforesaid, as provided in Section 2 hereof, the time in which said Newport Electric Street Railway Company and its assigns may build, construct and put in operation its line or lines of street railway under the terms and provisions of the said ordinances and the resolutions heretofore named herein is hereby extended for a period of six months from and after the passage of this ordinance: *provided*, that if the completion of said road within said time is delayed by injunction or other legal proceedings, the delay occasioned by said injunction or other proceedings shall not be considered any part of the time within which said road shall be completed under the terms of this ordinance.

Sec. 4. ACCEPTANCE IN WRITING.—This ordinance shall be accepted in writing by the said Newport Electric Street Railway Company within ten days from and after its passage, and when so accepted in writing shall constitute a contract between the City of Newport and the said Newport Electric Street Railway Company and its assigns.

Sec. 5. CONCRETE—HOW CONTRACTED AND PAID FOR.—The contract for the concrete under the cross-ties for the full

**Street Railways—Newport Electric Street Railway Company.**

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width of the tracks, as hereinbefore provided, shall be contracted for by the City of Newport, and the said electrical railway shall pay for the construction of the same.

**Sec. 6. CENTRAL AVENUE — ROAD TO BE CONSTRUCTED.**—It is further agreed that Central avenue, from Third to Eleventh streets, shall be constructed and operated by said company under the terms and conditions of Section 1 herein.

**Sec. 7. RATES — TRANSFERS.**—Persons entering the cars of the street railway in the City of Newport for the purpose of a continuous ride to Covington shall be entitled, without extra fare, to a transfer on the cars running to Covington, and persons entering the cars in Covington for a continuous ride to any point on the line in the City of Newport shall be entitled to such transfer without extra fare. The cash fare from any point in Newport to any point in Bellevue or Dayton, in this county, shall be five cents, and no more, and the acceptance of this ordinance shall constitute a contract upon the part of said street railway company to provide and furnish such transfer without additional compensation.

**Sec. 8. STREETS TO BE RESTORED.**—Said street railway company shall, immediately after its tracks are laid, restore the street to as good a condition as it was before said tracks were laid.

**Sec. 9. WHEN TO TAKE EFFECT.**—This ordinance shall take effect from and after its passage.

*(Acceptance received and filed June 1, 1893.)*

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An Ordinance granting to the Newport Electric Street Railway Company, its successors and assigns, the right to change its route over certain streets in the City of Newport, Ky. (Approved July 30, 1895.)

WHEREAS, It is deemed for the best interest of the City of Newport, and of the citizens residing in the western part of said city, that certain changes should be made in the lines of the street railway in the City of Newport, for the better accommodation of the citizens of said city; and,

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Street Railways—Newport Electric Street Railway Company.

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WHEREAS, The Newport Electric Street Railway Company is now possessed of the right to construct its tracks on Central avenue, from Fifth street to the corporation line, but is willing, in lieu of constructing its tracks on said part of Central avenue, to extend and construct its tracks from Fifth street and Central avenue, west on Fifth street to Patterson street, and south on Patterson street to the corporation line; and,

WHEREAS, It is deemed for the best interest of the City of Newport that said change shall be made; therefore,

*Be it ordained by the General Council of the City of Newport, Ky.*

Section 1. EXTENSION AUTHORIZED—CONDITIONS.—That the Newport Electric Street Railway Company is hereby authorized to extend its line of railway from the corner of Fifth street and Central avenue, as follows: On Fifth street, from Central avenue to Patterson street; on Patterson street, from Fifth street to the south corporation line of the City of Newport.

The right to extend as herein provided is in consideration of the following conditions, to-wit:

First—The said Newport Electric Street Railway Company shall, within four months after the acceptance of this ordinance, as hereinafter provided, construct and have in running order its line of street railway, with double tracks, on and over the following streets in said City of Newport, to-wit: Beginning at the Central Bridge on Third street, thence on Third street to Central avenue, thence on Central avenue to Fifth street, thence on Fifth street to Patterson street, thence on Patterson street to Eleventh street.

Second—The said Newport Electric Street Railway Company shall release its right of way and surrender to the City of Newport its right to construct and operate a street railway system on and over Central avenue, from Fifth street to the corporation line, and shall, within thirty days from the acceptance of this ordinance, remove the tracks now laid on Central avenue south of Fifth street, and restore said Central avenue in good condition, to

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Street Railways—Newport Electric Street Railway Company.

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the satisfaction of the City Engineer and Superintendent of Public Works; *provided, however*, that if the said Newport Electric Street Railway Company should be prevented by legal process from constructing its line of railway on Fifth street, from Central avenue to Patterson street, and on Patterson street, from Fifth street to Eleventh street, then all the right and interest of the said Newport Electric Street Railway Company on Central avenue, from Fifth street to the corporation line, hereby agreed to be surrendered, shall re-invest in the said Newport Electric Street Railway Company, the same as if the said right had never been surrendered or released by said company.

Third—The Newport Electric Street Railway Company shall, within ten days after the acceptance of this ordinance, as herein provided, obtain and file with the City of Newport a release from the South Covington and Cincinnati Street Railway Company to the City of Newport, releasing to said city the right and privilege now owned by the said South Covington and Cincinnati Street Railway Company, to construct, maintain and operate a line of electric street railway on Fifth street, in the City of Newport, and the tracks of the said South Covington and Cincinnati Street Railway Company on said Fifth street shall, within thirty days after said consent has been filed, be removed from Fifth street, and the said street shall be placed in good order, to the satisfaction of the Superintendent of Public Works and the City Engineer.\*

Fourth—Nothing herein shall be construed as affecting or changing ordinances heretofore passed granting privileges to the Newport Electric Street Railway Company, except as herein contained.

Sec. 2. ACCEPTANCE IN WRITING.—The Newport Electric Street Railway Company shall, within ten days after the approval of this ordinance by the Mayor, file its acceptance of the same in writing with the City Clerk of the City of Newport, and the said acceptance shall constitute a contract between said company and said city.

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\* NOTE.—This release filed August 2, 1895.

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Street Railways—South Cov. and Cin. Street Railway Company.

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Sec. 3. WHEN TO TAKE EFFECT.—This ordinance shall take effect and be in force from and after its passage and approval.

*(Acceptance dated August 2, 1895.)*

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An Ordinance authorizing the South Covington and Cincinnati Street Railway Company to change its motive power from animal power to electricity in the City of Newport, and to regulate the change of tracks therefor and the rates of fare thereon. (Passed May 19, 1892.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

Section 1. CHANGE OF POWER—PRIVILEGES GRANTED.—That the South Covington and Cincinnati Street Railway Company be, and the same is hereby authorized and empowered to change its motive power from animal power to electricity, and to that end erect, establish, maintain and operate a system of electric street railway, with all the necessary and convenient tracks, switches and turnouts, and with all necessary poles, overhead wires, curves, plant fixtures, appliances and appendages that may now be or may hereafter become necessary or convenient for the proper use and operation of the same on and over all the streets and ways of the City of Newport, on and over which the South Covington and Cincinnati Street Railway Company is now operating or may hereafter, by grant or ordinance from the Board of Councilmen or other properly constituted municipal authorities, acquire the power and right to operate street railways, with the right and power to the said company, its successors and assigns, to make all necessary and convenient connections of its tracks with any bridge or bridges now crossing the Ohio river to the City of Cincinnati, or with its other tracks in the City of Newport, or with any other street railway tracks now or hereafter constructed in the City of Newport.

Sec. 2. SPEED LIMIT.—The cars of said system may be

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Street Railways—South Cov. and Cin. Street Railway Company.

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drawn or propelled at a greater rate of speed than six miles per hour, but not to exceed a speed of twelve miles per hour.

Sec. 3. TIME SCHEDULE.—Upon the completion of the road, cars shall, during the summer months, leave the terminus in the City of Newport not later than 5 o'clock A. M., and during the winter months not later than 6 o'clock A. M. Until 9 o'clock A. M., and from 4 o'clock P. M. to 7 o'clock P. M. cars shall run at intervals of not more than eight minutes; at all other times at intervals of not more than fifteen minutes. Cars shall be run continuously at said intervals from the said times in the morning until not earlier than the time which a car leaving the Newport terminus shall reach the Cincinnati or Covington terminus of the line at 12 o'clock at night to return to the terminus in the City of Newport. By summer months is intended from the first of April until the first of November; by winter months is intended from the first of November to the first of April. By Cincinnati terminus of the line is intended the point farthest from the bridge over the Ohio river which may be crossed to which the cars of the company go, whether over their own or any other company's line of track.

Sec. 4. CONDUCTOR AND MOTORMAN.—No electric car shall be operated over said system unless both a conductor and a motorman or a driver be in charge of the same, both of whom shall be over the age of twenty-one years, and signal lights and bells shall be on same.

Sec. 5. POLES—REGULATIONS.—The poles erected by the company shall be cedar or other hard wood of octagonal shape, to be approved by the City Engineer, of smooth surface and painted two coats of paint, and shall be kept clean, and the maintenance of them and the wires and appendages shall conform, in so far as applicable, to the rules and regulations in force in Cincinnati as to like roads.

Sec. 6. FARES.—The South Covington and Cincinnati Street Railway Company shall have the right to charge and collect, from and after the date of the acceptance of this ordinance by the said

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Street Railways—South Cov. and Cin. Street Railway Company.

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company, a five-cent cash fare, and no more, for a continuous ride from any point in the City of Newport at which the company or its assigns has its track or tracks, to any point in the City of Cincinnati to which said company may go with its cars, either over its own or any other company's tracks or lines; and a five-cent cash fare, and no more, from any point in the City of Cincinnati at which said company's cars extend and go, to any point in the City of Newport to which said company's lines extend; and a five-cent cash fare, and no more, from any point in the City of Newport at which said company has its line, to any point in the City of Covington at which said company has its line; and a five-cent cash fare, and no more, from any point in the City of Covington at which said company has its line, to any point on its line in Newport; and a five-cent cash fare, and no more, from any point in the City of Newport on its line, to any point in the City of Dayton on its line; and a five-cent cash fare, and no more, from any point in the City of Dayton on its line, to any point in the City of Newport on its line; and a five-cent cash fare, and no more, for a continuous ride within the corporate limits of the City of Newport; and in consideration of said change of motive power, said company shall be, and is hereby released from any and all obligations to keep any street, or any part thereof, in the City of Newport occupied by any of its tracks in order or repair or to pave or to renew the pavement of any street so occupied by its track or tracks; but shall at all times repair the streets and put the same in their original condition when it, the said company, changes its track or tracks or renews the same, renewing the said tracks with a good and secure foundation under its ties, the work and the material used to be done according to the specifications of, and under the supervision of and to the satisfaction of the City Engineer; *provided, however,* that when any change or changes in said track or tracks is ordered by the city, the foundation under the said tracks shall be renewed and made at the cost of the City of Newport.

Sec. 7. LICENSE FEE.—The said company shall pay into the

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Street Railways—South Cov. and Cin. Street Railway Company.

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city treasury of the City of Newport the sum of two hundred and fifty (\$250.00) dollars on the first day of May of each and every year as a license fee on its franchise and the occupation of the streets; which said license fee shall be in lieu of all other license fees, municipal taxes and assessments of every kind whatsoever, including street improvements, excepting only the ad valorem taxes on its real estate and personal property and special taxes upon real estate.

Sec. 8. **CHANGE OF GRADE.**—Should the city improve the streets in any way which, in the judgment of the city authorities, requires a change in grade of the said track or tracks, then the said company or its assigns shall, at its own cost, change the grade of the said track or tracks so as to conform to the grade so established on said streets.

Sec. 9. **RIGHTS RESERVED.**—The right to tear up the tracks for the purpose of improving or repairing streets, building or repairing sewers, laying gas or water pipes, or repairing the same, or making any improvements, or doing any work which necessitates the tearing up of tracks or poles or displacement of the wires of the said company, is reserved to the said city, and may be exercised by it after a reasonable notice to the said company, and the company shall, at its own cost, replace the said track, wires and poles.

Sec. 10. **TRACKS—REGULATIONS.**—Any tracks now or hereafter laid shall be of the local standard gauge of five feet two and one-half inches, and of the most approved girder rail pattern. Said track or tracks when so laid shall be so laid and maintained, under the supervision of the City Engineer, as to offer the least impediment to public travel. Where tracks cross gutters, suitable iron gutter-plates shall be placed and maintained by the said company the entire width of the street, so as to permit of the flow of water under them.

Sec. 11. **BOND.**—The South Covington and Cincinnati Street Railway Company shall bind itself in a bond with securities, sat-

Street Railways—South Cov. and Cin. Street Railway Company.

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isfactory to the Mayor and Board of Councilmen of the said City of Newport, in the penal sum of ten thousand (\$10,000.00) dollars, to pay any and all damages to persons or property, or both, which the City of Newport may suffer or be liable for by reason of this ordinance; and such bond shall be for the faithful performance of the stipulations of this ordinance. Said bond shall be kept and maintained by said company, with good and solvent sureties, in said sum.

Sec. 12. TIME LIMIT.—The South Covington and Cincinnati Street Railway Company shall in good faith begin the construction of said railway on or before the first day of October, 1892, and it shall have the same completed and in daily use for the carrying of passengers on or before the first day of October, 1893; and in case the said work shall not be begun and completed at times mentioned, then, and in either case, said company agrees that all rights, privileges and powers conferred by this ordinance may be declared null and of no effect. The time during which the said company is prevented from the prosecution of said work or the operation of said railway by injunction or other legal proceedings, or unavoidable occurrences, shall not be estimated in the time for the completion of the said work or operation of said railway.

Sec. 13. ACCEPTANCE.—The said company shall accept the provisions of this ordinance in writing within sixty days from and after its passage, and when so accepted in writing it shall constitute and be a contract between the City of Newport, Ky., and the South Covington and Cincinnati Street Railway Company and its assigns.

Sec. 14. LOCATION.—The power-house of said company shall be located within the corporate limits of the City of Newport.

Sec. 15. WHEN TO TAKE EFFECT.—This ordinance shall take effect and be in force from and after its passage and approval.

*(Acceptance of date June 30, 1892; received July 14, 1892.)*

### Street Railways—South Cov. and Cin. Street Railway Company.

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An Ordinance granting to the South Covington and Cincinnati Street Railway Company, its successors and assigns, the right to lay and operate an electrical street railway track, with all the necessary electrical appliances to operate the same, on, over and along the center of Brighton street, from Eleventh street to Twelfth street, in the City of Newport, with connections thereto. (Approved April 27, 1899.)

*Be it ordained by the General Council of the City of Newport, Ky.*

Section 1. **RIGHT OF WAY.**—There is hereby granted to the South Covington and Cincinnati Street Railway Company, its successors and assigns, the right to construct, operate and maintain a street railway track on Brighton street, extending from Eleventh street to Twelfth street, and to connect the said track so laid on Brighton street by curves running east and west with the tracks of said railway on Eleventh street; and further, to connect said tracks on Brighton street by three or more turnouts with the tracks to be laid in the car house, to be constructed by the South Covington and Cincinnati Street Railway Company, on the corner of Eleventh and Brighton streets, in the City of Newport. And the said company is further granted the right to lay suitable tracks across Lowell street to connect its car house with its machine shops.

Sec. 2. **FURTHER PRIVILEGES.**—There is hereby further granted to the South Covington and Cincinnati Street Railway Company, its successors and assigns, the right to construct, maintain and operate the necessary electrical appliances on, over and along Brighton street, which may be or become necessary to operate said track and the curves connecting therewith.

Sec. 3. **RIGHTS RESERVED.**—The right to tear up the tracks, switches, turnouts, etc., for the purpose of improving or repairing the said Brighton street, building or repairing sewers, laying gas or water pipes, or repairing the same, or making any improvements, or doing any work which necessitates the tearing up of the tracks, etc., or poles or displacement of the wires, is reserved to the city after due notice to the company, and the said company shall, at its own proper cost, replace the same.

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Street Railways—South Cov. and Cin. Street Railway Company.

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Sec. 4. TRACKS, ETC.—REGULATIONS.—The tracks, switches, turnouts, etc., laid under this ordinance shall be of the local standard gauge of five feet and two and one-half inches, and of the most approved girder rail pattern. Said tracks, etc., when so laid, shall be so laid and maintained under the supervision of the City Engineer as to offer the least impediment to public travel. Said company shall restore said street used by it to as good condition as it was before the opening of same for the laying of its said tracks, etc., and shall thereafter continuously maintain and keep in good repair and condition, to the satisfaction of the City Engineer and Superintendent of Public Works, that portion of said Brighton street between said tracks, switches, turnouts, etc., and one foot on either side of same, and further, pave with granite, limestone, or other suitable paving material, all angles caused by turnouts, switches, etc., from main track.

Sec. 5. POLES — REGULATIONS.—The poles erected by the said company shall be of iron, to be approved by the City Engineer, of smooth surface, and painted two coats of paint, and shall be kept clean, and maintenance of them and the wires and appendages shall conform in so far as applicable to the rules and regulations now in force as to said company's present railway system in said city.

Sec. 6. SUPERVISION.—The construction of the said tracks, switches, turnouts, etc., shall be under the supervision and direction of the City Engineer.

Sec. 7. CHANGE OF GRADE.—Should the city improve the said street in any way which in the judgment of the city authorities requires a change in the grade of the said tracks, etc., then the said company or its assigns shall, at its own cost, change the grade of the said tracks, etc., so as to conform to the grade so established on said street.

Sec. 8. BOND.—The South Covington and Cincinnati Street Railway Company shall bind itself in a bond, with sureties satisfactory to the General Council of said city, in the penal sum of \$2,000, to pay any and all damages to persons or property, or

**Telegraph and Telephone—F. R. Phillips Grant.**

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both, which the City of Newport may suffer or be liable for by reason of this ordinance; and such bond shall be for the faithful performance of the stipulations of this ordinance. Said bond shall be kept and maintained by said company, with good and solvent sureties, in said sum.

**Sec. 9. ACCEPTANCE IN WRITING.**—This ordinance shall be accepted in writing by the said the South Covington and Cincinnati Street Railway Company within twenty days after its passage and approval, and when so accepted in writing shall constitute a contract between the City of Newport, Ky., and the South Covington and Cincinnati Street Railway Company and its successors and assigns.

**Sec. 10. OBSTRUCTION OF STREET PROHIBITED.**—It is a further condition of this grant that the said South Covington and Cincinnati Street Railway Company shall not suffer or permit its cars to stand or remain upon said part of Brighton street, and any such obstruction of same is hereby prohibited.

**Sec. 11. WHEN TO TAKE EFFECT.**—This ordinance shall take effect and be in force from and after its passage and approval.

*(Accepted by South Covington and Cincinnati Street Railway Company May 5, 1899; bond approved May 25, 1899.)*

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**TELEGRAPH AND TELEPHONE.**

An Ordinance granting to F. R. Phillips, of Newport, the right to erect a plant in said city for the purpose of telegraphing, telephoning, and such purposes as telegraphy and telephoning are used for. (Passed July 17, 1890.)

*Be it ordained by the Mayor and Board of Councilmen of the City of Newport, Ky.*

**Section 1. GRANT.**—That F. R. Phillips, his associates, successors, administrators and assigns, is hereby authorized and empowered to use the streets and public ways of the City of New-

## Telegraph and Telephone—F. R. Phillips Grant.

port, and is hereby vested will full privilege for such use for the purpose of erecting, maintaining and operating pole lines and stretching wires for the purpose of transmitting messages, fire and police alarms by telegraphy and telephoning, and said F. R. Phillips shall not permit any other person or company, unless with the consent of the Board of Councilmen.

Sec. 2. OBSTRUCTION OF STREETS PROHIBITED — WIRES — HOW STRETCHED.—The said F. R. Phillips, his successors, assigns or administrators, in the construction of said plant, or in erecting his poles, or stretching his wires for said purpose, shall not interfere or obstruct the passage of any street or other public way in said city, and in crossing same shall erect his wires at such altitude as may be prescribed by the Board of Councilmen, no wires to be placed at a less altitude than thirty-five feet from the surface of the ground.

Sec. 3. STREETS TO BE REPAIRED.—That said F. R. Phillips, in opening or changing the condition of any of said streets or public ways, shall, within three days thereafter, replace same, and in as good condition as when disturbed, and for violation of same shall be subject to same fine and proceedings as are prescribed by an ordinance entitled "An ordinance protecting the streets, sidewalks and public ways of the City of Newport," passed September 1, 1887.

Sec. 4. PRIVILEGES.—The privileges hereby granted shall entitle said Phillips, his successors, assigns and administrators, to transmit messages by telegraph and telephone, fire and police alarms, to the and between the citizens of Newport.

Sec. 5. PLANT TO BE KEPT IN CITY.—It shall be the duty of said Phillips, his successors, assigns and administrators, to continually maintain said plant in the City of Newport, and upon failure to so maintain the same, the rights hereby granted shall be forfeited.

Sec. 6. POLES — REGULATIONS.—The poles and wires used shall be of the best and most approved quality.

Sec. 7. GRANT NOT EXCLUSIVE.—The grant of rights hereby conferred is not to be in manner exclusive, but the city reserves

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Telegraph and Telephone—F. R. Phillips Grant.

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the free and full liberty to confer such rights on any other company, person or corporation.

Sec. 8. COMMENCEMENT OF WORK.—Work shall be commenced under this ordinance within sixty days from passage thereof, and same shall be completed within six months from passage of same, otherwise this ordinance shall be null and void.

Sec. 9. CITY HELD HARMLESS — BOND.—The City of Newport shall in no event be liable for loss, damage or expense to person or property which may arise out of the construction, operation, maintenance of the plant and works herein contemplated, or for their stoppage or discontinuance; but for all such loss, damage or expense the said Phillips, his successors, assigns or administrators, shall alone be responsible; and before any grants herein conferred shall become operative, the said Phillips shall execute bond to the city conditioned to hold the city secure and harmless from all and every character of damage, loss and expense which may accrue to it from the acts or omissions of said Phillips, his successors, assigns or administrators, in and about said business; and should there be any failure to conform to and abide by the requirements of this section, then, and in that event, the Board of Councilmen may, upon ten days' notice, repeal this ordinance and declare all rights under it forfeited.

Sec. 10. WHEN TO TAKE EFFECT.—This ordinance shall take effect and be in force from and after its passage, and when the bond required in Section 9 shall have been executed and shall have been accepted by the Board of Councilmen.

Sec. 11. POLES — RIGHT OF OTHER COMPANIES TO USE.—The right to use the poles of this plant is reserved to any subsequent company or corporation that may be granted the same rights and privileges hereby conferred upon F. R. Phillips, but the subsequent company will be required to pay a pro rata cost of same.

Sec. 12. FIRE USE — RESERVING.—The fire use of the call boxes and messenger boxes is hereby reserved to and conferred upon the City of Newport in all public houses and places for fire purposes and police protection.

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Telegraph—Postal Telegraph Cable Company.

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An Ordinance granting to the Postal Telegraph Cable Company the right and privilege of erecting poles and stretching wires through the streets and alleys of the City of Newport, Ky.\* (Approved December 18, 1895.)

*Be it ordained by the General Council of the City of Newport, Ky.*

Section 1. GRANT.—That the right and privilege of erecting poles and stretching wires in and over the streets and alleys of the City of Newport, Ky., necessary to the establishment, operation and maintenance of a telegraph system connecting said city with other towns and cities, is hereby granted to the Postal Telegraph Cable Company and its successors, subject to the limitations and restrictions hereinafter set out and provided.

Sec. 2. STATEMENT TO BE FURNISHED.—The said Postal Telegraph Cable Company shall furnish the Mayor and Superintendent of Public Works with a statement, in writing, of the streets, alleys and parts thereof through which they desire to erect their poles and over which they propose to stretch their wires in establishing their system in the City of Newport; but said streets and alleys shall not be used for said purpose until the said Mayor and Superintendent of Public Works consent thereto, and if they so consent, the location of the poles, the height of the same, and all reasonable regulations of the same, shall be subject to the approval of the Superintendent of Public Works; and when the said system has been located and put in operation, no additional street or alley shall be occupied without permission of the General Council, Mayor and Superintendent of Public Works, in like manner as the privilege herein granted has been given; and said company shall erect no additional poles, or change the location of any poles when erected, without the consent and under the supervision of the Superintendent of Public Works.

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\* NOTE.—In *Postal Telegraph Co. vs. City of Newport*, 25 R. 635, this ordinance was held valid, and it was held that, although the ordinance was not accepted in writing, the company's acts in proceeding to erect poles, etc., shortly after the passage of the ordinance constituted an acceptance of the same.

**Telegraph—Postal Telegraph Cable Company.**

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**Sec. 3. COMBINATION PROHIBITED — FORFEITURE.**—Should the said Postal Telegraph Cable Company, or any successor of said company, lease, rent or consolidate so much of said system as is located in the City of Newport with any other corporation, person, or association of persons engaged in the same or like business, or shall enter into any combination, trust or arrangement with any other corporation, person or association of persons engaged in like business, with reference to said business, or the rates to be charged for services performed by said company, then all the rights and privileges granted to or conferred upon the Postal Telegraph Cable Company, or any one holding under said company, shall cease and become absolutely null and void, and all poles, wires or other property located in the streets or alleys, in pursuance of this or any other ordinance, shall at once be removed by the owner or lessee of the same.

**Sec. 4. OFFICE TO BE KEPT IN NEWPORT.**—Said company shall keep and maintain an office in the City of Newport for the receiving and transmitting of messages, and it shall charge for sending said messages no greater rate than that charged by the Western Union Telegraph Company for similar services under like conditions.

**Sec. 5. ACCEPTANCE.**—Should the said Postal Telegraph Cable Company fail, within thirty (30) days after the approval of this ordinance, to signify to the General Council of the City of Newport their acceptance of the rights and privileges granted by this ordinance, subject to the limitations herein set out, then all of the rights and privileges herein granted shall become null and void and of no effect.

Said company shall accept the same in writing. Said acceptance shall be entered upon the journal of both Boards of said General Council, and copied upon the ordinance book of the City of Newport, immediately following said ordinance when recorded.

**Sec. 6. RIGHTS RESERVED.**—Nothing in this ordinance shall be construed as a forfeiture or waiver by the City of Newport of

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Tax Exemptions—Alhambra Tile Company.

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any of its rights or privileges to require telegraph or telephone wires to be placed under ground, or to make any proper or necessary regulations of poles and wires in the streets and alleys of the city, nor shall anything in this ordinance be construed as granting a franchise to the said Postal Telegraph Cable Company.

Sec. 7. LICENSE TAX.—The said Postal Telegraph Cable Company shall pay to the City of Newport a special license tax of one hundred (\$100) dollars per annum.

Sec. 8. WHEN TO TAKE EFFECT.—This ordinance shall take effect and be in force from and after its passage and approval, and publication as required by law.

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#### TAX EXEMPTIONS.

An Ordinance exempting certain property of the Alhambra Tile Company, a corporation, from taxation for a period of five years from January 1, 1902, as an inducement to the location of said plant in the City of Newport. (Approved December 6, 1901.)

*Be it ordained by the General Council of Newport, Ky.*

Section 1. PROPERTY — TERM.—That the manufacturing plant of the Alhambra Tile Company, consisting of Lots 469, 472 and 473, East Row Addition, City of Newport, Ky., and all improvements, fixtures and machinery now or to be placed thereon, be, and the same is hereby exempted from municipal taxation by the City of Newport, Ky., except sewer taxation, street and special assessments, for a period of five years, commencing January 1, 1902; *provided*, that said property shall be used for the purpose of manufacturing tiling, and when ceased to be used for said purpose shall be subject to municipal taxation.

Sec. 2. NEWPORT LABOR.—In further consideration of the exemption herein, the Alhambra Tile Company shall, as far as practicable, give preference to Newport labor in and at its said establishment.

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Tax Exemptions—W. J. Baker Company.

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Sec. 3. WHEN TO TAKE EFFECT.—This ordinance shall take effect and be in force from and after its passage and approval.

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An Ordinance exempting the W. J. Baker Company from municipal taxation for a period of five years as an inducement to the said W. J. Baker Company to locate in the City of Newport, Ky. (Approved June 2, 1904.)

*Be it ordained by the General Council of the City of Newport, Ky.*

Section 1. TERM.—That the manufacturing establishment known as the W. J. Baker Company, of Cincinnati, Ohio, consisting of lot and buildings thereon, situated at the southeast corner of Forest and Saratoga streets, in the City of Newport, and the machinery and other fixtures therein and thereon used in manufacturing metallic specialties; and the supplies and manufactured stock therein, all of which is to be used for the purpose aforesaid, be, and the same is hereby exempted from taxation by the City of Newport (except sewer tax and street and special assessments) for a period of five years from and after the location of said manufacturing establishment in the City of Newport, as aforesaid, when said company shall commence the manufacture of metallic specialties.

Sec. 2. NUMBER OF PERSONS TO BE EMPLOYED.—That in further consideration of said exemption, said company agrees to employ not less than twenty persons in its establishment.

Sec. 3. PROPERTY.—That the premises to be exempt from taxation as aforesaid are bounded and described as follows, to-wit: Beginning at a point at the southeast corner of Forest and Saratoga streets, in the City of Newport, in Campbell County, in the State of Kentucky, running thence south twenty-five (25) feet, thence east at right angles one hundred (100) feet, thence at right angles twenty-five (25) feet, thence with the line of Forest street one hundred (100) feet to the point of beginning; *provided, how-*

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Tax Exemptions—Donaldson Lithographing Company.

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ever, that when said property ceases to be used for the purpose aforesaid and as aforesaid, the same shall thereby and thereupon become and be assessable and assessed and taxed by the City of Newport.

Sec. 4. WHEN TO TAKE EFFECT.—That this ordinance shall be in force and take effect from and after its passage and approval.

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An Ordinance exempting certain property of the Donaldson Lithographing Company from taxation for a period of five years. (Approved September 6, 1901.)

WHEREAS, The Donaldson Lithographing Company contemplates the establishment and operation of an additional lithograph manufacturing establishment; therefore, as an inducement to the location of the same in the City of Newport, Ky.,

*Be it ordained by the General Council of the City of Newport, Ky.*

Section 1. PROPERTY—TERMS.—That the said contemplated manufacturing establishment of the said Donaldson Lithographing Company, consisting of the north fifty feet of Lot 2 in James Taylor's East Row Addition to the City of Newport, Ky., the buildings to be erected thereon, and the machinery, fixtures, lithographing materials and supplies and manufactured stock to be placed therein and thereon, all of which are to be used for said purpose of lithograph manufacturing, be, and the same is hereby made exempt from taxation by the City of Newport, Ky., (except sewer taxation, street or special assessment,) for a period of five years, commencing January 1, 1902; *provided*, that said company shall by that time have occupied said premises and commenced to use same for said purposes aforesaid; *provided, further*, that said property shall be subject to full taxation by said city when the same shall cease to be used for said purposes.

Sec. 2. HOME LABOR.—In further consideration of the ex-

**Tax Exemptions—Newport Rolling Mill Company.**

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emptions herein, the said company shall give preference to Newport labor at and in its said establishment.

Sec. 3. WHEN TO TAKE EFFECT.—This ordinance shall take effect and be in force from and after its passage and approval.

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An Ordinance exempting certain property of the Newport Rolling Mill Company from taxation for five years from January 1, 1902. (Approved March 20, 1901.)

*Be it ordained by the General Council of the City of Newport, Ky.*

Section 1. PROPERTY — TERM.—That all the personal property of the Newport Rolling Mill Company, such as machinery, boilers, engines, necessary for sheet mill and warehouses and factory buildings, and machinery in factory, and which is used exclusively for rolling mill and corrugating purposes in its new and extended plant, upon the following described real estate in the City of Newport, Ky., "beginning at a point on the west side of Lowell street, one hundred feet south of the south line of Powell street; thence north with the west line of Lowell street two hundred feet; thence at right angles westwardly and parallel with Powell street, extended to the Licking river; thence southwardly with said river two hundred feet, more or less; thence eastwardly on a line at right angles to Lowell street to place of beginning. Also, beginning at a point on the northwest corner of Tenth and Lowell streets; thence with west line of Lowell street northwardly three hundred and five feet to a point; thence from these two points between parallel lines to the Licking river," be exempt from city taxation for the period of five years from January 1, 1902; *provided*, that there shall be built upon said real property a new and distinct rolling mill; and *providing further*, that said property be used exclusively for rolling mill, and manufacturing of products of same, purposes; and *providing further*, that when said real estate shall cease to be so used,

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Tax Exemptions—Frank Unnewehr & Co.

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then said personal property shall be immediately subject again to municipal taxes of all kinds.

Sec. 2. HOME LABOR.—The exemption from taxation herein provided for shall be, as a further consideration therefor, that the said Newport Rolling Mill Company, or their successors or assigns, shall at all times give preference to Newport labor at and in said rolling mill and plant to be constructed and erected.

Sec. 3. WHEN TO TAKE EFFECT.—This ordinance shall take effect from and after its passage and approval

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An Ordinance exempting Frank Unnewehr & Co., its successors and assigns, from taxation for five years. (Approved November 26, 1900.)

*Be it ordained by the Board of General Council of Newport, Ky.*

Section 1. PROPERTY — TERM.—That whereas Frank Unnewehr & Co. have indicated their purpose of starting a manufacturing establishment in this city (sawmill and cigar-box lumber manufactory) if the City of Newport will grant them immunity from taxation for a period of five years from the first of January, 1901, in consideration of the said Frank Unnewehr & Co., their successors or assigns, so establishing and operating in the City of Newport such manufacturing establishment, the said Frank Unnewehr & Co., its successors or assigns, be and are hereby exempted from all taxation, save street and sewer assessments, upon all their property, real and personal, and tangible and intangible, pertaining to the said manufacturing business, as long as they may operate same during said period of five years.

Sec. 2. HOME LABOR.—The said Frank Unnewehr & Co., as a further consideration of exemption herein, agree to employ Newport labor as far as possible in their said manufacturing establishment.

Sec. 3. WHEN TO TAKE EFFECT.—This ordinance shall take effect from and after its passage and approval by the Mayor.

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Tax Exemptions—George Wiedemann Brewing Company.

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*Be it resolved by the General Council of the City of Newport, Ky.  
(Approved November 26, 1900.)*

FURTHER EXEMPTION — CONSIDERATION — PROPERTY — TERM.—That in consideration of the Newport Mill Company dismissing its action, now pending in the Campbell Circuit Court against the City of Newport, No. 12,833, and acknowledging full satisfaction of all claims against the City of Newport arising out of the matters over which and on which said action is founded, and Frank Unnewehr & Co., for itself, its successors and assigns, agreeing to hold the City of Newport harmless from any and all actions for damage on account of loss to them by fire in the future because of any failure on the part of the Fire Department or water-works system of the City of Newport, the said City of Newport will pay to the said Frank Unnewehr & Co., its successors or assigns, a sum of money equal to all taxes, save sewer and street assessments, that may in each of the years 1906 to 1911, both inclusive, become due and owing to the City of Newport by the said Frank Unnewehr & Co., its successors and assigns, upon all their property, real and personal, tangible and intangible, pertaining to the manufacturing business of operating a sawmill or cigar-box factory, which said Frank Unnewehr & Co., its successors and assigns, may then conduct in the City of Newport, payable at the same time and in the same amounts that said taxes will be payable.

The acceptance of this resolution in writing by said Frank Unnewehr & Co. shall make it a contract between the said parties.

*(Accepted November 26, 1900.)*

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An Ordinance exempting certain property of The George Wiedemann Brewing Company from taxation for five years from January 1, 1902.  
(Approved September 21, 1901.)

*Be it ordained by the General Council of the City of Newport, Ky.*

Section 1. PROPERTY — TERM.—Whereas, The Wiedemann Brewing Company contemplates the erection of an ice factory and

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Turnpikes—Campbell Turnpike Road Company Contract.

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cold-storage plant upon certain property in Mayo's Orchard Sub-division in the City of Newport, said property fronting two hundred and twenty feet on the west side of Putnam street, between Sixth and Seventh, and extending back fifty feet in depth.

That, as an inducement to the location of said factory and plant, said property and the improvements to be erected thereon, including machinery, fixtures, and all apparatus placed thereon, be exempt from municipal taxation of every kind, except street, sewer and special assessments, for a period of five years from January 1, 1902; *provided*, that said property shall be used for the purpose of the manufacture of ice and for cold-storage; and *provided, further*, that if said real estate and improvements thereon shall cease to be so used, all of said property shall be immediately subject to taxation for municipal taxes of all kinds.

Sec. 2. HOME LABOR.—The said George Wiedemann Brewing Company shall, as a further consideration for the exemption herein provided, at all times give preference to Newport labor in the operation of said factory and plant.

Sec. 3. WHEN TO TAKE EFFECT.—This ordinance shall take effect and be in force from and after its passage and approval.

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### TURNPIKES.\*

Resolution. The contract between the City of Newport and the Campbell Turnpike Road Company.\* (Adopted October 29, 1863.)

*Resolved*, That the terms agreed on between the committee of this Board and the Board of the Campbell Turnpike Road Company, transferring so much, to the said city, of said road as lies between Ringgold street and the intersection of the said road with the southerly boundary of said city, be now ratified and confirmed, and that the President of this Board and the City Clerk

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\* See Note 8, page 174, for reference to special act, in pursuance of which this contract was made.

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Turnpikes—Campbell Turnpike Road Company Contract.

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execute the contract on behalf of the city; and that duplicate copies be made and executed of the agreement.

*Resolved*, That this report and these resolutions be spread upon the minutes or records of this Council

Whereupon the said agreement or contract was read, as follows::

This agreement between the Campbell Turnpike Road Company, of the one part, and the City of Newport, of the other part,

WITNESSETH —

That the said turnpike company, in consideration of the covenants hereinafter stipulated, hereby bargains, grants and transfers to the City of Newport that portion of their turnpike road, commencing at the intersection of the southern line or boundary of said city with said road near Constance's Brewery, with full powers in said city to change, alter or establish any grade thereon they may deem proper; and to improve or repair the same at any time by graveling, macadamizing, paving and bouldering, or otherwise, and to treat and hold said part of said road as any other street in the city, both as to the center and sidewalks thereof.

And in consideration of the above, the said City of Newport hereby undertakes and binds herself to keep the said part of said road mentioned at all times in as good condition and repair as required by law of said company, and agrees to be responsible to and to indemnify said company against all loss and damage that may accrue to said turnpike company by reason of any neglect or failure on the part of said city to keep said part of said road in proper repair as a street and highway as aforesaid.

And it is further expressly agreed and understood between the parties hereto that the distance for which said company is authorized to charge toll shall not be in anywise diminished, nor the tolls necessarily lessened, by the agreement, arrangement and transfer hereby entered into and made by the parties hereto; but the same privileges as to tolls and the same liabilities in regard thereto shall remain with and upon said company as heretofore, to the said road from Ringgold street out.

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Turnpikes—Covert Run Turnpike Road Company Contract.

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It is further agreed and understood that should the City of Newport alter or change the grade of that part of said road hereby transferred, which is near to or at the intersection of the southern line or boundary of said city, so as to involve any alteration or change of the adjoining or adjacent part of said turnpike next south of the part hereby conveyed, that the city will reimburse, indemnify or make good to said company the expense of said alteration, or that the city will make such alteration at her own expense.

In witness whereof the said turnpike company, by its President and Secretary, and said City of Newport, by her President and Clerk, have hereunto set their hands and seals this 29th day of October, 1863.

THOMAS L. JONES,

*President of the Campbell Turnpike Road Company.*

R. F. CALDWELL,

*Treasurer Campbell Turnpike Road Company.*

M. J. KING,

*President of City Council.*

X. SINE *Clerk.*

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Dedication of portion of Covert Run Turnpike. (Accepted July 12, 1883.)

The Covert Run Turnpike Road Company do hereby dedicate, grant and convey to the City of Newport so much of the turnpike road as lies between the west side of Overton street and sixty-six feet on the east side of Monroe street, to be an extension of Jefferson street, in the City of Newport, and to be used as by law streets are to be used in said City of Newport.

The Covert Run Turnpike Road Company, however, reserves the right to charge toll and locate its toll house, as though said part of its roadway had not been granted.

This dedication not to take effect until accepted by the City of Newport in all its terms.

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Water-works—William W. Post Contract.

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## WATER-WORKS.

The Contract between the Board of Trustees of the Newport Water-works and William W. Post.

This contract, made between the Board of Trustees of the Newport Water-works of the first part, and William W. Post of the second part, witnesseth: That the party of the first part, in consideration of the covenants hereinafter expressed by the party of the second part, grants to the said party of the second part and to his assigns the exclusive privilege, for the term of twenty-five years from this date, of supplying to the Cities of Bellevue and Dayton and the inhabitants thereof water from the Newport Water-works.

The party of the second part is to advance the money necessary to purchase, lay and maintain all the pipe necessary for said purpose, and to erect and maintain the necessary meters which are to be placed in the City of Newport at any point on the line of pipe which it may be directed and required by the party of the first part.

The party of the second part is to furnish for use no water within the present corporate limits of Newport, and is to pay to the party of the first part, in quarterly payments, seven cents per thousand gallons for all water used by the party of the second part; and if said party of the second part shall fail for ninety days to make payment as aforesaid, this contract may be declared void and annulled by the party of the first part. The party of the second part is to begin to receive water on or before the first day of November, 1887; if he shall fail to do so, then he is to pay to the party of the first part as liquidated damages the sum of one dollar each day until he begins to receive it; and should he delay the receiving of water until the first day of November, 1888, then this contract may be declared void and annulled by the party of the first part.

Water is to be taken under this contract from a point in the City of Newport at or near the Dayton Bolt and Nut Works, on

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Water-works—William W. Post Contract.

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Front street, from which point to the corporate line of the City of Newport money is to be advanced by the party of the second part sufficient to complete the work in the city and to maintain the same. If the water pipe now in use on Front street shall prove insufficient for the purpose of fulfilling this contract, the party of the first part shall insert pipes of the dimension of eight inches, provided the water taken by the party of the second part will pay eight per cent. per annum upon the amount necessary to do said work.

At the expiration of this contract, the party of the second part has the privilege of purchasing the pipe laid in Newport, for which he has advanced money, by paying in advance a sum necessary to take said pipe from the street and restoring the street to proper condition.

Whenever from any cause the Newport Water-works shall be unable to furnish water to its consumers, the party of the first part is to be liable to no damages or penalty for not furnishing it to the party of the second part.

If at any time any changes are made in the present rates for water by the party of the first part, then the price named herein may be changed and modified to correspond in the same ratio with said change.

In testimony whereof the party of the first part, by its President, and the party of the second part have hereunto subscribed their names this eighth day of June, 1886.

TRUSTEES OF THE NEWPORT WATER-WORKS.

By JAMES C. WRIGHT, *President.*

WILLIAM W. POST.

Attest: N. M. MAYER.



## PART V.

### General Index.



# GENERAL INDEX.

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## CITY CHARTER.

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	Section	Page
ABSENCE—of members of council—forfeiture.....	3043	11
ABSTRACT—of council proceedings to be published.....	3045	12
ACCEPTANCE—of street improvement work.....	3099	66
ACCOUNTS—how kept by auditor.....	3127	78
of superintendent of public works.....	3120	76
of sinking fund commissioners.....	3192	124
of council, publication of.....	3075	49
ACTION—of council—reconsideration.....	3061	40
rights of, saved by new charter.....	3198	125
ADJOURNMENT—of called session—when mayor may adjourn	3046	13
AD INTERIM—appointments by mayor.....	3203	127
AD VALOREM TAX—levying and collecting.....	3174, 3189	104, 123
AGENCIES—to be licensed.....	sub-section 2 of 3058	21, 22
AGENTS, ETC.—to be elected by council.....	3049	15
ALDERMEN—number of.....	3043	9
ALTERATIONS—of wards.....	3048	14
AMUSEMENTS—to be licensed.....	sub-section 2 of 3058	21, 22
ANIMALS—regulations concerning.....	sub-section 17 of 3058	32
ANNEXATION—of territory.....	3050—3054	16—18
wards therein.....	3053	18
ANNUAL REPORTS—of auditor.....	3129	79
of board of education, publication of.....	3218	138
APPEAL—from decision as to validity of ordinance.....	3063	41
APPOINTMENT—of superintendent of public works.....	3118	76
of police and fire commissioners.....	3137	83
of waterworks commissioners.....	3143	92
of delinquent tax collector.....	3188	122
of city solicitor as delinquent tax collector.....	3188	123
of officers to fill vacancies.....	3049	14
temporary, by mayor.....	3203	127
to fill vacancies in board of education.....	3213	135
of teachers by board of education.....	3215	136

(See Special Topics.)

	Section	Page
APPORTIONMENT—of lien for costs in street improvement.....	3096	63
in sewer construction, benefits.....	3105	70
of revenue.....	3071	46
APPROPRIATIONS—wrongful voting on in council a misde-		
meanor .....	3069	45
excess forbidden.....	3070	46
ordinance, how passed.....	3071	46
and payments by board of education.....	3229	144
and payment of debts by council.....sub-section 27 of	3058	38
ASSESSMENTS—on owners for street improvements.....	3096	64
ten years' plan.....	3101	68, 69
limit in street improvement.....	3102	70
lien in street improvement, delinquent penalty.....	3101	68, 69
for taxes, power of council to change by two-thirds vote	3189	123
date, as of.....	3178	113
in third-class city—when transferred to second class—		
valid .....	3189	123
when made—corrections.....	3174	104, 105
ASSESSOR—election and qualification, bond.....	3177	108
deputy, oath, salary.....	3177	108
failure to assess, a misdemeanor.....	3177	108
how property to be estimated.....	3178	113
advertising for returns.....	3179	114
regulations, office hours.....	3179	114
compelling returns.....	3179	114
return to auditor.....	3180	115
ATTACHMENT—in police court.....	3169	102
for delinquent taxes.....	3188	122
ATTENDANCE—on council meetings enforced.....	3043	12
on joint sessions enforced.....	3044	12
of police on council and police court.....	3168	101
ATTORNEY (City)—election, term, duties, salary.....	3165, 3167	100, 101
to select official newspaper.....	3117	75
AUDITOR—annual reports of.....	3129	80
filing ordinances with.....	3063	41
report to, of superintendent of public works.....	3121	77
appointment, qualifications and duties.....	3126, 3127	78
accounts, how kept.....	3127	79
deposits .....	3128	79
inspection of his records.....	3128	79
daily and monthly reports.....	3128	79
duties as to fiscal affairs, property, etc.....	3129	79
to see to legal proceedings.....	3129	79
make rules and regulations.....	3129	79

AUDITOR— <i>Continued.</i>	Section	Page
and see to credit of city.....	3129	79
to countersign warrants.....	3129	80
what his records must show.....	3129	80
may sit in council, but not vote.....	3129	80
power as to judgments—loans.....	3130	80
general powers.....	3130	80
duties of clerks as to.....	3134	81
returns of assessor to.....	3180	115
duty in regard to board of equalization.....	3182	118
returns to, of board of equalization.....	3181	116
return of tax bills to, by treasurer, and settlement.....	3186	120
daily report to, and settlements with, by delinquent tax collector .....	3188	122
report as to sinking fund.....	3195	125
report on inspection of costs, etc.....	3211	134
AWARDING—of franchises or privileges.....	3068	45
BALLOTING—election by secret.....	3172	103
for school board—mode.....	3232, 3233	145
BOARD OF ALDERMEN—(See Council).		
BOARD OF COUNCILMEN—(See Council).		
BOARD OF EDUCATION—powers.....	3212	134
meetings—quorum .....	3212	134
appropriations .....	3212	134
records .....	3212	134
elections—in and by.....	3213	135
titles to school property.....	3214	135
appointment of teachers, etc.....	3215	136
buildings and property, leased or bought.....	3215	136
gifts of property—or devises.....	3215	136
general regulations.....	3216	136
religion—restrictions .....	3217	136
annual report of board.....	3218	138
funds—(see below).....	3219	138
default of collecting officers.....	3219	139
approximate expenses for ensuing year.....	3219	139
may borrow money.....	3219	140
bonds—issued by.....	3219	140
outside pupils.....	3220	141
examiners .....	3221	141
colored schools.....	3222	141
members of, etc., must not be interested in contracts....	3223	142
qualifications and restrictions.....	3223	142
normal schools or training classes.....	3224	142
treasurer of board.....	3225	143

BOARD OF EDUCATION— <i>Continued.</i>	Section	Page
funds to be kept separate.....	3225	143
clerk of board.....	3226	143
control of funds.....	3227	143
debts and payment.....	3228	143
appropriations and payments.....	3229	144
election by the people.....	3230	144
organization of board—president.....	3231	144
mode of balloting—who eligible.....	3232, 3233	145
women eligible as members.....	3233	145
women not eligible as voters.....	3233	145
registration, voters.....	3234	145
BOARD OF EQUALIZATION—selection, qualifications and duties.	3181	116
sessions limited—quorum.....	3181	117
how changes to be made by.....	3181	117
returns to auditor.....	3181	118
auditor's duty thereon.....	3182	118
BOARD OF HEALTH—and officers, appointment of.....	sub-section 1 of 3058	21
BOARD OF POLICE AND FIRE COMMISSIONERS—appointment...	3137	83
qualifications and term of office.....	3137	83
mayor <i>ex-officio</i> chairman of.....	3137	83
vacancies .....	3137	83
salaries .....	3137	83
city clerk to be clerk of.....	3137	83
powers and duties.....	3138	83
oversight of departments.....	3139	84
number of firemen and police.....	3140	84
police oath—bond.....	3141	84
qualifications .....	3141	84, 85
fire chief—duties—powers.....	3142	85
(See Police and Fire Commissioners.)		
BOARD OF PUBLIC WORKS—creation, compensations.....	3125	77, 78
BOARD OF SINKING FUND COMMISSIONERS—how constituted..	3190	124
duty—tax levy.....	3191	124
accounts—warrants .....	3192	124
monthly reports.....	3193	124
redeeming bonds.....	3194	124
report of auditor.....	3195	125
BOARD OF WATER WORKS COMMISSIONERS—(See Water Works) .....	3143	92
BONDS—funding and refunding—authorized to issue .....	3077	50
refunding bonds hereafter maturing.....	3078	50
form—denomination—time to run.....	3079	51
interest on—when payable.....	3079	51

BONDS— <i>Continued.</i>	Section	Page
sinking fund provided for redemption.....	3080	51
act validating.....	3081	51
may issue to pay judgments—time.....	3082	51
form—time to run—denomination.....	3083	52
sinking fund for redemption.....	3084	52
refunding—to pay bonds maturing.....	3085	52
form—time to run—denomination.....	3086	52
sinking fund for redemption.....	3087	53
funding and refunding—amounts limited.....	3088	53
refunding—may issue to pay maturing debt.....	3089	53
form—time to run—denomination.....	3090	53
sinking fund for redemption.....	3091	54
refunding and renewal issual of.....	3071	47
purchase by sinking fund commissioners.....	3194	124
cancellation of redeemed.....	3195	125
public improvements, incomplete, issual to complete....	3072	47
increase beyond limit, when and how.....	3073	47
streets and sidewalks, construction and re-construction,		
issual for city's part of cost.....	3097	65
streets and sidewalks, ten-year plan for construction and		
re-construction .....	3101	68
schools—board of education may issue.....	3219	140
form—denomination—time to run.....	3219	140
(officials)—mayor to see to the giving of.....	3112	74
of treasurer.....	3132	81
of depository.....	3132	81
of city clerk.....	3136	83
of chief of police.....	3168	101
of policemen.....	3141, 3168	85, 101
water works commissions.....	3143	92
trustees of the public library.....	3210 b	132
assessor .....	3177	108
delinquent tax collector.....	3188	123
BORROWING—money .....	3071	46
BOUNDARIES—of cities of the second class.....	3039	7
extending corporate limits—regulations.....	3050—3054	16—19
to be clearly defined in extension.....	3052	18
BRIBERY—of officers.....	3207	128
acceptance or soliciting of by officials.....	3207	128
BRIDGES—to be provided for.....	sub-section 5 of 3058	26
BUILDINGS—and property for schools leased or bought.....	3215	136
for city, right to acquire.....	sub-section 7 of 3058	27
BUSINESS—licenses specified.....	sub-section 2 of 3058	21—25
CEMETERIES—to be regulated by council....	sub-section 24 of 3058	36

	Section	Page
CENSUS—enumeration to be provided for...sub-section 15 of	3058	31
CHARTERS—(prior) saving in regard to.....	3197	125
CITIES OF SECOND CLASS—specified.....	3038	5
general powers.....	3038	5, 6
seal .....	3038	6
boundaries .....	3039	7
jurisdiction as to rivers.....	3039	7
saving of rights and obligations.....	3040	7
departments of governments.....	3041	9
CITIZEN—may bring mandamus as to public work, when....	3209	129
CITY—process in suits against.....	3115	75
credit to be guarded by auditor.....	3129	79
grounds—improving and regulating.....sub-section 9 of	3058	28
rights to be protected.....sub-section 13 of	3058	31
purchase for, at tax sale.....	3187	121
government—departments .....	3041	9
authorized to purchase turnpikes..sub-section 1 of	3093 <i>a</i> , 3092	54, 55
to condemn, when.....sub-section 2 of	3093 <i>a</i> , 3093	54, 55
CIVIL ENGINEER—qualifications—certificate.....	3173	104
election, duties, qualification and term, salary, certificate.	3144	92, 93
duties .....	3144 <i>a</i>	93
salary .....	3144 <i>a</i>	93
assistant—duties .....	3144 <i>a</i>	93
salary .....	3144 <i>a</i>	93
CLERK (City)—duties as to council and mayor.....	3133	81
to keep the seal.....	3133	81
duties as to auditor.....	3134	81
warrants—licenses .....	3135	82
tax books.....	3135	82
records — books — bonds — documents, copies, etc., cus-		
tody of.....	3136	82
copies of documents, etc., to be furnished by.....	3136	82
printed copies of all ordinances to be kept by.....	3136	82
to supervise public printing.....	3136	82
copies of contracts, bond and oaths.....	3136	82
bond—salary .....	3136	83
duties provided by ordinance.....	3136	83
to be clerk of board of police and fire commissioners...	3137	83
to make out tax bills.....	3185	119
to correct errors in tax bills.....	3185	120
(See Special Topics.)		
COLLECTING— <i>ad valorem</i> tax, ordinance for.....	3183	118
taxes to be provided for by council....sub-section 3 of	3058	25

	Section	Page
COLLECTOR OF DELINQUENT TAXES—duties—bond.....	3188	122, 123
compensation may be by fees.....	3188	123
city solicitor may be appointed.....	3188	123
distraint—sale—costs—attachment .....	3188	123
daily reports to auditor, and settlements.....	3188	123
COLORED SCHOOLS.....	3222	141
CONCURRENT JURISDICTION—of cities of second class.....	3039	7
CONDÉMNATION—of turnpikes, when authorized.....		
sub-section 2 of 3093a, 3093	54, 55	
CONTRACTS—members of council not to be interested in.....	3043	10
duty of mayor as to.....	3108	73
members of school board not to be interested in.....	3223	142
officers not to be interested in.....	3206	127
CONTRIBUTION—of city in sewer construction, costs, when.....	3105	71
in street improvements by city, when.....	3096	63
COUNCIL—how constituted.....	3042	9
number of aldermen.....	3043	9
number of councilmen.....	3043	10
qualification of members—term.....	3043	10
members not to be interested in contracts.....	3043	10
disqualification after election.....	3043	11
forfeiture of pay by absence from meetings.....	3043	11
president of each board.....	3043	11
<i>pro tem</i> .....	3043	11
rules and regulations.....	3043	11
expulsion of member.....	3043	11
quorum—enforcing attendance.....	3043	12
rules for joint session—enforcing attendance.....	3044	12
president of joint session.....	3044	12
quorum in joint session.....	3044	12
journal of proceedings to be kept.....	3045	12
abstract of proceedings to be published.....	3045	12
separate meetings of board except in joint session.....	3045	13
place of meetings—when fixed by mayor.....	3045	13
times of meeting.....	3046	13
adjournment of called session—when mayor may adjourn	3046	13
privilege of debate.....	3047	14
exemption from jury and military duty.....	3047	13, 14
city to be divided into six wards—alterations.....	3048	14
election of officers by.....	3049	14
vacancies in office filled by.....	3049	14, 15
extending corporate limits—regulations.....	3050	16
organization of new territory.....	3051	17
status of residents therein.....	3051	18

COUNCIL— <i>Continued.</i>	Section	Page
in extension, boundaries to be clearly defined.....	3052	18
proviso as to rural territory.....	3052	18
vote as to annexation.....	3050, 3052	16, 18
wards, re-districting.....	3053	18
mode of changing wards or extending limits.....	3054	18, 19
effect of such changes on voters.....	3055	19
when wards may not be changed.....	3056	19
requisites of wards.....	3057	19
to preserve health.....	sub-section 1 of 3058	20, 21
power to license business, or regulate or suppress.....	sub-section 2 of 3058	21, 22
power to license trades, professions, etc. ....	sub-section 2 of 3058	21, 22
agencies—license.....	sub-section 2 of 3058	21, 22
amusements—license, regulation and suppression.....	sub-section 2 of 3058	23, 24
lotteries prohibited.....	sub-section 2 of 3058	23, 24
to provide for levying and collecting taxes.....	sub-section 3 of 3058	25
water supply.....	sub-section 4 of 3058	25
bridges, culverts, sewers, etc. ....	sub-section 5 of 3058	26
water courses, regulate and maintain.....	sub-section 5 of 3058	26
lighting of streets, etc. ....	sub-section 6 of 3058	26
re-locating poles, wires, pipes, etc. ....	sub-section 6 of 3058	27
placing wires underground. ....	sub-sections 6 and 21 of 3058	27, 35
markets and public buildings.....	sub-section 7 of 3058	27
regulation of trade.....	sub-section 8 of 3058	28
city grounds—improving and regulating.....	sub-section 9 of 3058	28
to restrain, prohibit or regulate sales of liquor .....	sub-section 10 of 3058	28
to establish and regulate weights and measures.....	sub-section 11 of 3058	29
to inspect elevators, steam boilers, heaters, etc. ....	sub-section 11 of 3058	29
to inspect food and household supplies, liquors, etc....	sub-section 11 of 3058	29
police regulations.....	sub-section 12 of 3058	30
to protect the rights of the city.....	sub-section 13 of 3058	31
to provide for the support of idiots, insane, and inebriates.....	sub-section 14 of 3058	31
census.....	sub-section 15 of 3058	31
prisons, work-house, house of refuge, etc.....	sub-section 16 of 3058	32

COUNCIL— <i>Continued.</i>	Section	Page
to regulate animals and vehicles on streets.....	sub-section 17 of 3058	32
to prevent abuse of animals.....	sub-section 17 of 3058	32
to punish vagrancy, gamblers, prostitutes, etc.....	sub-section 18 of 3058	32
to license and restrain dogs, etc.....	sub-section 19 of 3058	33
railroad construction—regulations.....	sub-section 20 of 3058	33
to regulate speed of cars, etc.....	sub-section 20 of 3058	34
to prevent railroads doing warehouse or storage business,	sub-section 20 of 3058	34
fire regulations.....	sub-section 22 of 3058	35
to provide and collect fines.....	sub-section 23 of 3058	35
to regulate cemeteries and public grounds.....	sub-section 24 of 3058	36
general powers as to health, welfare, etc.....	sub-section 25 of 3058	37
eminent domain.....	sub-section 26 of 3058	37
appropriations and payments of debts and expenses....	sub-section 27 of 3058	38
method of passing ordinances and resolutions.....	3059	38
revenue measures.....	3060	39
ordinance revision, repeal and amendment.....	3061	39, 40
reconsidering action on failure to pass ordinance.....	3061	40
indefinite postponement of ordinance or resolution.....	3061	40
how ordinances, etc., verified as evidence.....	3062	40
how validity of ordinance, etc., tried.....	3063	41
appeal from decision thereon.....	3063	41
penalties for violation of ordinances, suit for.....	3063	41
filings ordinances and resolutions with auditor, and indexing .....	3063	41, 42
to fix salaries of officers and employees.....	3064	42
fees to revert to city.....	3064	43
limit of salary.....	3065	43
report of fees collected.....	3065	43
sanitary inspection.....	3066	44
to prescribe fire limits.....	3066	44
to compel consumption of smoke.....	3066	44
to secure safety from fires in hotels and factories.....	3067	44
franchises limited to twenty years—how awarded.....	3068	45
expenditures—excess forbidden.....	3069, 3070	45, 46
voting for appropriations in excess of limit a misde- meanor .....	3069	45
apportionment of revenues.....	3071	46
appropriation ordinance.....	3071	46

COUNCIL— <i>Continued.</i>	Section	Page
borrowing money—interest.....	3071	45
bonds for refunding or renewing.....	3071	47
bonds for authorized improvement—interest.....	3072	47
must be sold at not less than par.....	3072	47
debt—limit .....	3073	47, 48
bonds—election for.....	3073	47, 48
bonds—issue—interest—sinking fund.....	3073	47, 48
exemption of manufacturers from taxation.....	3074	49
publication of annual receipts and expenditures.....	3075	49
to regulate issuing licenses.....	3076	50
exclusive control over streets, etc.....	3094	55, 56
street regulations—sprinkling.....	3094	56—60
proceedings for condemnation of land.....	3095	60
how street construction and reconstruction authorized..	3096	61
how costs to be met.....	3096	63—65
lien for costs—apportionment.....	3096	63, 64
sidewalk improvements, costs of.....	3096	64, 65
improvement bonds—interest.....	3097	65
permission to property owners to improve public ways..	3098	65
acceptance of public work.....	3099	65, 66
restrictions and regulations as to public work.....	3100	66, 67
errors in proceedings, how corrected.....	3100	67
how ordinance for improvement passed.....	3100	67
ten-year plan of street improvement—bonds.....	3101	68
proceedings .....	3101	68, 69
how funds applied.....	3101	69
limit to local assessment for street improvement.....	3102	70
uniform system of improvements.....	3103	70
costs to be specified.....	3103	70
water works revenue—how applied.....	3104	70
sewer construction—costs on abutters.....	3105	70, 71
apportionment—costs according to benefits.....	3105	70, 71
city contributions—tax lien—limit.....	3105	72
special session may be called by the mayor.....	3110	73
auditor may sit in, but not vote.....	3129	80
duties of clerk as to.....	3133	81
police attendance on.....	3168	101
voting in, to expend money for other purposes than levy, 3175		107
power to change method of assessment and collection of		
taxes .....	3189	123
COURT—attendance of police.....	3161	99
(See Police Court.)		
DEBATE—in council—privilege of members.....	3047	14

	Section	Page
DEBT—limited .....	3069, 3073	45, 47
payments of.....	3077—3091	50—54
DEBT—of school board—payment.....	3228	143
DEFAULT—of officers in collecting school funds.....	3219	139
DELINQUENT TAX—on street improvement—penalty—lien....	3101	69
(See Collector, Etc.; Street Improvement, Etc.)		
DEPARTMENTS—of city government to be kept distinct.....	3041	9
DEPOSITORY—city—to furnish bond.....	3132	81
DEPOSITS—auditor to see that same are made daily.....	3128	79
DEVISE—of property for public schools.....	3215	136
DISABILITY—of officers—temporary appointment by mayor..	3203	127
DISQUALIFICATION—of members of council after election....	3043	11
DISTRAINT—by delinquent tax collector.....	3188	123
DOCUMENTS—to be kept by the clerk—copies, etc.....	3136	82
Dogs—to be licensed and restrained.....sub-section 19 of 3058		33
DRAINAGE—house and sewer connections..sub-section 11 of 3058		29
ELECTION—of officers by council.....	3049	14
of officers by the people.....	3172	103
on bond issue—two-thirds vote of people required.....	3073	48
of city attorney.....	3165	100
of civil engineer.....	3144	92
of city engineer.....	3173	104
of city clerk.....	3172	103
of mayor.....	3172	103
of city solicitor.....	3166	100
of jailer .....	3145	94
general regulations—qualification of voters.....	3172	103
of assessor.....	3177	108
mayor to fill offices created by charter until election....	3208	128
by board of education.....	3213	135
of board of education by the people.....	3230	144
women not voters in school elections.....	3233	145
of city treasurer.....	3131	80
qualification of voters.....	3172	103
voting to be by secret ballot.....	3172	103
ELEVATORS—inspection provided for.....sub-section 11 of 3058		29
EMINENT DOMAIN—proceedings.....sub-section 26 of 3058		37
ENGINEER—(See Civil Engineer.)		
EVIDENCE—ordinances .....	3062	40
EXAMINERS—of school teachers.....	3221	141
EXCESS—of appropriation forbidden.....	3069, 3070	45, 46
EXEMPTION—of manufacturers from taxation.....	3074	49
of members of council from jury or military duty.....	3047	13

	Section	Page
EXPENDITURES—regulated .....	3069, 3070	45, 46
EXPULSION—of members of council.....	3043	11
EXTENSION—of corporated limits—regulations.....	3050—3054	16—18
boundaries to be clearly defined.....	3052	18
FEES—to revert to the city—salaries not to be paid until reported .....	3064, 3065	42, 43
of police officer for the city.....	3168	101
on stock and occupations.....	3174	106
of witnesses and jury in police court.....	3154	98
FINES AND PENALTIES—in police court—collection and report .....	3155, 3162	98, 99
FIRE—commissioners (See Police and Fire Commissioners.)		
limits to be prescribed.....	3066	44
protection .....	3067	44
regulations .....	sub-section 22 of 3058	35
chief—duties and powers.....	3142	85
FISCAL—year .....	3176	108
affairs—duties of auditor (See Taxation, Treasury)....	3129	79
FOOD—inspection .....	sub-section 11 of 3058	29
FORFEITURE—of pay by absence of members of council.....	3043	11
FUNDS—for public schools to be kept separate—control of..	3225, 3229	143, 144
GAMING—jurisdiction of police court.....	3149	96
GENERAL COUNCIL—(See Council).		
GIFTS—of property for public schools; and devises.....	3215	136
GOVERNMENT DEPARTMENTS—to be kept distinct.....	3041	9
GRANTS—limited to twenty years—how granted.....	3068	45
GROUNDS—(city)—improving and regulating.....		
sub-section 9 of 3058	28	
HEALTH—to be protected by council.....	sub-section 1 of 3058	20
board and officers.....	sub-section 1 of 3058	21
HEATERS—(steam)—to be inspected.....	sub-section 11 of 3058	29
HOUSEHOLD SUPPLIES—inspection.....	sub-section 11 of 3058	29
HOUSEHOLD—drainage and sewer connections to regulate....		
sub-section 11 of 3058	29	
IDIOTS, ISANE AND INEBRIATES—to be supported.....		
sub-section 14 of 3058	31	
INDEBTEDNESS—(See Bonds).		
INDEFINITE POSTPONEMENT—of question in council.....	3061	40
INDEX—to ordinances filed with auditor.....	3063	42

	Section	Page
INELIGIBILITY—of mayor to re-election.....	3107	72
INSPECTION—sanitary .....	3066	44
of elevators, steam boilers and steam heaters, etc.....		
sub-section 11 of 3058	29	
of food and household supplies.....sub-section 11 of 3058	29	
of costs by auditor and report.....	3211	134
of auditor's records.....	3128	79
JAILER—election, term, qualifications, salary.....	3145	94
deputy—duties—salary .....	3145	94
JOINT SESSIONS—of council.....	3044	12
JURISDICTION—of police court.....	3147	95
as to territory.....	3164	100
of circuit court, as to liens on tax bills.....	3187	122
of city—concurrent.....	3039	7
JURY—in police court.....	3160	98, 99
members of council exempt from duty on.....	3047	13
LEGAL PROCEEDINGS—under care of auditor and mayor as to		
fiscal affairs .....	3129	79
LEVY—and collection of taxes to be provided for.....		
sub-section 3 of 3058	25	
of taxes—how made.....	3175	107
LIBRARY—(Public)—provided for.....	3210—3210 b	129—131
trustees—board of—appointment—qualifications, duties,		
bond—oath .....	3210, 3210 b	129, 131
have control—rules and regulations to be adopted..		
3210, 3210 b	129, 132	
mayor and county judge <i>ex-officio</i> members of.....	3210 b	132
appropriations and taxes levied for.....	3210—3210 b	129—133
donations may be accepted.....	3210 b	133
council to provide for.....	3210—3210 b	130—133
LICENSES—of enumerated business, trades, occupations.....		
sub-section 2 of 3058	21—25	
modes and conditions.....	3076	50
duty of city clerk.....	3135	82
of dogs .....	sub-section 19 of 3058	33
LIEN—for costs in street and sidewalk construction....	3096, 3101	64, 69
for costs of sewer construction.....	3105	72
as to taxation enforced.....	3187	121
LIGHTING—of city, to be provided for.....	sub-section 6 of 3058	26
LIMIT—of salaries of officers and deputies.....	3065	43
of debt .....	3073	47
of local assessments for improvements.....	3102	70
of tax lien in sewer construction.....	3105	71
of sessions of board of equalization.....	3181	117

	Section	Page
LIQUORS—licensing, restraining, regulating or forbidding....		
sub-section 10 of 3058	28	
LOANS—as to judgment—power of auditor.....	3130	80
LOTTERIES—prohibited .....	sub-section 2 of 3058	25
MANDAMUS—by citizen as to public work.....	3209	129
MANUFACTURERS—exemption from taxation.....	3074	49
MARKETS—to be provided for by council...sub-section 7 of 3058		27
MAYOR—election and term.....	3106, 3172	72, 102
tenure—qualifications .....	3107	72
ineligible for re-election.....	3107	72
compensation—duties .....	3107	73
power to fill vacancies.....	3108	73
duties as to property and contracts.....	3108	73
reports to and messages from.....	3109, 3110, 3113	73, 74
may call special council session.....	3110	73
may administer oaths.....	3111	73
may grant pardons.....	3111	73
to supervise official bonds.....	3112	74
signing ordinances—veto .....	3114	74
process to be served on.....	3115	75
to discharge duties required by ordinance.....	3116	75
to appoint police and fire commissioners.....	3137	83
commissioners of water works.....	3143	92
board of equalization.....	3181	116
board of trustees of the public library.....	3210, 3210 b	129, 132
superintendent of public works.....	3118	76
auditor .....	3126	78
<i>ex-officio</i> chairman of police and fire commissioners....	3137	83
when he may act as judge of police court.....	3170	102
duties of city clerk to present action of council.....	3133	81
when he may fix the place of council meeting.....	3045	13
when he may adjourn called session of council .....	3064	13
appointees of.....	3200	126
conservator of the peace.....	3202	126
temporary appointment by, on disability of officer.....	3203	127
<i>ad interim</i> appointments by.....	3049	15
<i>pro tem</i> .....	3204	127
MILITARY DUTY—members of council exempt from.....	3047	13
MISDEMEANOR—voting in council for misappropriation..	3069, 3175	45, 107
OFFICERS—vacancies in office elective by council.....	3049	14
vacancies in elective offices.....	3049	14
removing—effect .....	3201	126

	Section	Page
<b>OFFICERS—Continued.</b>		
(peace)—who are .....	3202	126
disabilities—temporary appointments by mayor .....	3203	127
not to be interested in contracts—penalty.....	3206	127
qualifications .....	3205	127
bribery of and acceptance by.....	3207	128
collecting, default of for school funds.....	3219	139
<b>OFFICERS</b> —elective and appointing vacancies, how filled.....	3049	14
enumeration and terms and time of election of.....	3172	103
of police court.....	3161	99
(See Special Topics.)		
<b>OFFICES</b> —abolished by charter act.....	3172	103
elections—general regulations .....	3172	103
qualifications of voters.....	3172	103
votes to be by secret ballot.....	3172	103
<b>OFFICIAL NEWSPAPER</b> —city attorney to select.....	3117	75
<b>OPENING</b> —streets and alleys—repealed where not commenced, 3199	126	
<b>ORDER OF BUSINESS</b> —in council.....	3044	12
<b>ORDINANCES</b> —mode of passing.....	3059	38, 39
general revision and publication of.....	3061	39, 40
how verified as evidence.....	3062	40
validity of, how established.....	3063	41
warrant for violation.....	3063	41
record of .....	3063	41
filing with auditor—index.....	3063	41
for street improvement—how passed, errors in, how corrected .....	3100	66, 67
signing, veto.....	3114	74
what to be published, and where.....	3045, 3117	13, 75
printed copies to be kept.....	3136	82
general duties of clerk as to .....	3136	82
prior, not effected by charter until when.....	3196, 3197	125
(See Special Topics.)		
<b>ORGANIZATION</b> —of annexed territory.....	3051	17
<b>OVERSIGHT</b> —of departments of fire and police by commissioners .....	3139	84
<b>PEACE OFFICERS</b> —who are.....	3202	126
<b>PENALTY</b> —on wrongful voting in council.....	3069, 3175	45, 107
on unpaid taxes.....	3184	119
how enforced .....	3063	41
on police for not paying over money.....	3168	101
enforcement of ordinances by.....sub-section 25 of 3058		37
<b>PERMISSION</b> —to owners as to making street improvements... 3098		65

	Section	Page
<b>PERSONALTY</b> —and realty tax bills.....	3187	121
<b>POLICE</b> —attendance on council and court.....	3168	101
duties of chief—bond—lien.....	3168	101
fees for city.....	3168	101
penalty for not paying over money.....	3168	101
regulations .....sub-section 12 of 3058	30	
and sanitary regulations.....sub-section 25 of 3058	37	
(See Police and Fire Commissioners.)		
<b>POLICE COURT</b> —attachment .....	3169	102
when mayor may act as judge.....	3170	102
judge <i>pro tem.</i> by choice of the bar.....	3170	102
salary of the judge <i>pro tem.</i> .....	3170	102
jurisdiction as to territory.....	3164	100
enforcing returns .....	3168	101
organization—salary—eligibility of judge.....	3146	94
jurisdiction .....	3147	95
what returnable to.....	3148	95
trials of vagrancy—women.....	3148	96
riots—gaming .....	3149	96
proceedings .....	3149	96
<i>posse comitatus</i> .....	3149	96
place of court—time—seal.....	3150	96
convicts—commitment .....	3151	97
recognizances .....	3152	97
costs and fines.....	3153, 3162	97, 99
witness and jury fees.....	3154	98
fines and penalties.....	3155	98
reports of fines, etc., daily.....	3155	98
process .....	3156	98
clerk .....	3157	98
court always open.....	3158	98
recognizances to keep the peace, etc.....	3159	98
jury .....	3160	98
officers of the court.....	3161	99
replevin bonds.....	3163	99
<b>POLICE AND FIRE COMMISSIONERS</b> —appointment.....	3137	83
qualifications and terms.....	3137	83
mayor <i>ex-officio</i> chairman of board.....	3137	83
vacancies—salaries .....	3137	83
city clerk, clerk of the board.....	3137	83
powers and duties.....	3138	83
oversight of departments.....	3139	84
number of firemen and police.....	3140	84
police oath—bond .....	3141	84

POLICE AND FIRE COMMISSIONERS— <i>Continued.</i>	Section	Page
police—qualifications .....	3141	84
fire chief—duties—powers.....	3142	85
fire department—to control fire department.....	3142 a	85
dismissal only after charges filed and trial.....		
sub-section 3 of 3142 a		86
salary of chief and members.....sub-section 4 of 3142 a		86
board of trustees of the firemen's pension fund.....		
sub-section 6 of 3142 a		86
president of, how selected.....sub-section 6 of 3142 a		86
treasurer of.....sub-section 6 of 3142 a		87
secretary, election, term.....sub-section 6 of 3142 a		87
general council to provide a pension fund.....		
sub-section 7 of 3142 a		87
fines, fees, gifts, etc., for fund.....sub-section 7 of 3142 a		87
control over pension fund.....sub-section 8 of 3142 a		87
to make rules and regulations.....sub-section 9 of 3142 a		88
to decide all applications for pensions.....		
sub-section 9 of 3142 a		88
investments of funds.....sub-section 10 of 3142 a		88
securities to be deposited with treasurer.....		
sub-section 10 of 3142 a		88
interest of funds to pay pension...sub-section 11 of 3142 a		88
to adjust rate from tax levy.....sub-section 11 of 3142 a		88
funds not to exceed \$200,000.....sub-section 11 of 3142 a		88
pension of retired firemen.....sub-section 12 of 3142 a		89
pension upon death, amount and to whom paid....		
sub-section 12 of 3142 a		89
<i>pro rata</i> payment of pensions if funds insufficient..		
sub-section 13 of 3142 a		89
pay to retired members and dependents.....		
sub-section 14 of 3142 a		89
funeral expenses.....sub-section 15 of 3142 a		90
beneficiaries .....		
sub-section 16 of 3142 a		90
duties of treasurer, bond, etc.....sub-section 17 of 3142 a		90
warrants on treasurer.....sub-sections 18, 19, of 3142 a		91
report of board to council.....sub-section 20 of 3142 a		91
pension not subject to attachment, execution, etc...		
sub-section 21 of 3142 a		91
Poor—to be supported.....sub-section 14 of 3058		31
POSSE COMITATUS—in police court proceedings.....	3149	96
PRISONS—regulations .....		
sub-section 16 of 3058		32
PRIVILEGE—of debate in council .....		
3047		13
PROCESS—in suits against the city to be served on the mayor. 3115		75
in police court..... 3156		98

	Section	Page
PROPERTY—supervision of, by auditor.....	3129	79
how to be estimated for assessment, and assessment thereof .....	3178	113
PUBLIC LIBRARY—(See Library).		
PUBLIC PRINTING—clerk to supervise.....	3136	82
PUBLIC SCHOOLS—board of education—powers.....	3212	134
meetings—quorum .....	3212	134
appropriations .....	3212	135
records .....	3212	135
elections by .....	3213	135
titles to school property.....	3214	135
appointment of teachers.....	3215	136
buildings and property leased or bought.....	3215	136
gifts and devises.....	3215	136
general regulations .....	3216	136
religion—restrictions .....	3217	136
children required to attend school.....sub-section 1 of	3217 a	136
exception .....	sub-section 1 of 3217 a	137
truant officer—appointment—qualifications—salary.....		
sub-section 2 of 3217 a	137	
duties .....	sub-section 3 of 3217 a	137
to prosecute persons having charge of children—		
when .....	sub-section 3 of 3217 a	137
to keep record.....	sub-section 4 of 3217 a	138
false statement of age of child or time of attendance—		
penalty for.....	sub-section 5 of 3217 a	138
annual report of board.....	3218	138
funds, levy and collection of.....	3219	138, 139
default of collecting officers.....	3219	138, 139
bonds may be issued.....	3219	140, 141
outside pupils .....	3220	141
examiners .....	3221	141
colored schools .....	3222	141
members of board must not be interested in contracts....	3223	142
qualifications of board.....	3223	142
normal school of training classes.....	3224	142
treasurer of board.....	3225	143
funds to be kept separate.....	3225	143
clerk of board.....	3226	143
control of funds.....	3227	143
debts and payments.....	3228	143
appropriations and payments.....	3229	144
elections by the people.....	3230	144
commencement of term.....	3230	144



	Section	Page
SCHOOLS—colored .....	3222	141
(See Public Schools.)		
SEAL—of city.....	3038	6
SEPARATE—meetings of council.....	3045	13
SEWERS—construction—costs on abutters.....	3105	70, 71
apportionments—benefits .....	3105	70, 71
city contribution.....	3105	72
tax lien limit.....	3105	72
SINKING FUND—as to street improvements.....	3101	68, 69
commissioners—how constituted.....	3190	124
duty—tax levy.....	3190, 3191	124
accounts—warrants .....	3192	124
monthly reports.....	3193	124
redeeming bonds.....	3194	124
report of auditor.....	3195	125
for street improvements, how applied.....	3101	69, 70
SOLICITOR (City)—election—term—qualifications—salary.....	3166, 3167	100, 101
office may be abolished.....	3171	102
may be appointed delinquent tax collector.....	3188	123
STREETS—regulations .....	3094	55, 56
sprinkling, districts.....	3094	57, 59
eminent domain proceedings.....	3095	60
construction—how authorized.....	3096	61, 62
how costs to be met.....	3096	62, 63
lien for costs—apportionment.....	3096	63, 64
improvement bond.....	3097, 3101	65, 68
acceptance of work.....	3099	65, 66
restrictions and regulations—errors, correction of.....	3100	66, 67
how improvement ordinance passed.....	3100	67
ten-year plan for construction.....	3101	68, 69
assessments on owners.....	3101	68, 69
delinquent penalty on assessment—lien.....	3101	68, 69
how sinking fund applied.....	3101	68, 69
permission to owners to improve.....	3098	65
limit of local assessment—lien.....	3102	70
uniform system—costs specified.....	3103	70
SUPERINTENDENT—of public works—appointment.....	3118	76
duties and powers.....	3119, 3120	76
to make rules.....	3120	76
to keep accounts.....	3120	76
reports—statement to auditor.....	3120, 3121	76, 77

SUPERINTENDENT—of public works— <i>Continued.</i>	Section	Page
books and vouchers.....	3122	77
payment of salaries.....	3123	77
range of work.....	3124	77
 TAXATION— <i>ad valorem</i> and poll taxes.....	3174	104—106
on stock and occupations (license fee).....	3174	105, 106
assessment—when made—corrections.....	3174	104, 105
assessment in third-class city—valid if transferred to second class.....	3189	123
how levies made—penalties on.....	3175	107
voting in council for overdraft of funds.....	3175	107
fiscal year.....	3176	108
levying and collecting <i>ad valorem</i> tax.....	3183	118
rate .....	3183	118
when taxes to be payable—penalty.....	3184	119
tax bills.....	3185	119
correction of errors by clerk and auditor.....	3185	119, 120
tax bills delivered to treasurer.....	3185	120
returns of treasurer to auditor and settlement.....	3186	120
payments and entries.....	3186	120
personalty and realty bills.....	3187	121
sale of bills.....	3187	121
purchase for the city.....	3187	121
redemption .....	3187	121
certificate of purchase.....	3187	121
lien enforced.....	3187	121
treasurer's report of sale.....	3187	122
how tax bills marked.....	3187	122
jurisdiction of circuit court as to liens.....	3187	122
(See Board of Equalization, Delinquent Tax Collector, Treasurer and Assessor.)		
exemption of manufacturers.....	3074	49
tax books—clerk to make out.....	3135	82
city assessor to assess shares of incorporated companies		
sub-section 1 of 3177 a	109	109
value of franchise, how fixed.....		
sub-sections 1, 3 and 4 of 3177 a	109, 110, III	109
reports of incorporated companies to assessor.....		
sub-section 2 of 3177 a	109	109
additional facts to be reported, when.....	sub-section 3 of 3177 a	110
value of franchise of railroads and companies whose lines extend beyond city limits.....	sub-section 5 of 3177 a	III
capital stock of unincorporated companies having fran- chise .....	sub-section 6 of 3177 a	III

TAXATION— <i>Continued.</i>	Section	Page
notification to company of values by assessor.....		
sub-section 7 of 3177 a	112	
assessor's duties as to certification of franchise values..		
sub-section 8 of 3177 a	112	
listing; certification and collection of franchise taxes...		
sub-section 8 of 3177 a	112	
refusal of corporation to report and penalty for.....		
sub-section 9 of 3177 a	112	
individual stockholders, when relieved from taxes.....		
sub-section 10 of 3177 a	113	
receivers and others to make returns and valuation....		
sub-section 11 of 3177 a	113	
assessor's duties upon failure to report.....		
sub-section 12 of 3177 a	113	
act not applicable to railroads, etc....sub-section 13 of 3177 a		
TITLES—to school property.....	3214	135
TREASURER—eligibility and election.....	3131	80
bond and salary.....	3132	81
duties—depository .....	3132	81
monthly report.....	3132	81
depository to furnish bonds.....	3132	81
warrants .....	3135	82
(See above and Special Topics )		
TRUANT OFFICER—(See Schools.)		
TURNPIKES—city empowered to contract for purchase of....		
sub-section 1 of 3093 a, 3092	54, 55	
condemnation of, when authorized.....		
sub-section 2 of 3093 a, 3093	54, 55	
VACANCIES—(See Special Topics).....	3049	14
VEHICLES—to be regulated.....sub-section 17 of 3058		32
VOTE—as to annexation.....	3052	13
for misappropriation in council, punishable.....	3069	45
to issue bonds when city beyond the 10 per cent. limit..	3073	48
WARDS—requisites .....	3057	19
redistricting on annexation.....	3053	18
changes .....	3054	18
changes do not divest rights.....	3055	19
limit of time.....	3056	19
cities of the second class to be divided into six wards..	3048	14
WARRANTS—on treasury.....	3135	82
to be countersigned by auditor.....	3129	80
signed by clerk.....	3135	82

---

	Section	Page
WATER WORKS—net revenue to be applied to street improvement .....	3104	70
power of council to establish.....sub-section 4 of 3058 .....	25	
board of commissioners..... .....	3143	92
appointment—qualifications—salaries .....	3143	92
when term begins—bond..... .....	3143	92
powers .....	3143	92
monthly reports..... .....	3143	92
quorum .....	3143	92
WEIGHTS AND MEASURES—to be provided for..... .....	sub-section 11 of 3058	29
WHARVES—council to control..... .....	3094	56
duties of superintendent of public works as to..... .....	3119	76

## SPECIAL ACTS.

	Page
BOUNDARIES—of the city of Newport, <i>act defining</i> .....	149
COURT HOUSE ACTS—an <i>act authorizing construction of court house in Newport</i> .....	150—155
commissioners—appointment—bond—pay .....	150, 151
a body corporate.....	154
court house district defined.....	151, 152
bond issue—tax levy.....	152
duties of commissioners.....	153
report of sheriff and treasurer.....	153
exemptions .....	153
public records—where kept.....	153
powers of sheriff.....	153
county clerk to act for commissioners.....	154
provision for poor.....	154
ratification of act.....	154
duties of commissioners.....	155
<i>an act amending "court house act"</i> .....	155—158
allowances to certain officers.....	156
control of court house and grounds.....	156, 157
poor—care of .....	157
tax—how applied.....	157
sheriff, duty of.....	157, 158
commission not allowed.....	158
<i>an act providing for indexing of public records</i> .....	158
contract for authorized.....	158
<i>an act ratifying contract between city and court house commissioners</i> .....	159, 160
<i>an act concerning court house district</i> .....	161—163
preamble .....	161, 162
repeal of exemptions authorized by former acts.....	162
tax levy for certain expenses.....	162
limited .....	162, 163
NEWPORT AND COVINGTON BRIDGE COMPANY—an <i>act incorporating</i> .....	163—168
corporate name—purpose—powers.....	163, 164
capital stock—officers—election.....	164, 165
right of cities to subscribe for stock.....	165, 166
bridge site.....	166
rates of toll.....	166

NEWPORT AND COVINGTON BRIDGE COMPANY— <i>Continued.</i>	Page
injuring bridge—evading toll—penalty.....	166
condemnation proceedings.....	167
right of cities to purchase.....	167
navigation not to be obstructed.....	168
SEWER ACT— <i>an act to provide sewerage in city of Newport.....</i>	168—172
sewer districts—city to be divided into.....	168
how ordered sewered.....	169
requirements of ordinances for.....	169, 170
bonds for—form, etc.....	170—172
delivered to city treasurer.....	172
how sold.....	172

## GENERAL ORDINANCES.

	Section	Page
ALDERMEN, BOARD OF—number of members.....	16	183
place of meeting.....	21	184
time of meeting.....	21, 24	184, 185
Confirm appointment of commissioners of water works.	462	330
ANIMALS—slaughtering of—regulations.....	106	207, 208
while pregnant, etc., forbidden.....	107	208
in market place prohibited.....	191	235
dogs and goats—license.....	133	221
at large may be killed.....	217	242
vicious dogs may be killed.....	219	243
mayor may order dogs muzzled.....	218	242
police judge may order dogs killed, when.....	219	243
vicious at large—unlawful.....	216	242
cattle at large—unlawful.....	220	243
impounding—advertising .....	221	243
hogs in city limits—unlawful.....	64	196
fast driving, prohibited.....	276	258, 259
ASHES, GARBAGE, ETC.—removal of.....	79, 80	201
unlawful to place on streets.....	247	250
ASSESSOR—salary .....	291	265
bond .....	293	266
sureties .....	294	266
to give notice of increased assessment.....	295	267
to keep book for notices.....	296	267
retrospective assessment by.....	297	267, 268
ATTORNEY, CITY—when to pay over collections.....	288	263
salary .....	291	265
AUDITOR—to keep record of officers' bonds.....	284	261
to keep record of certain officers' oaths.....	289	263, 264
bond .....	298	268
publication of delinquent tax bills by.....	299	268
salary .....	300	269
AUTOMOBILES—speed limited.....	272	257
gong required.....	272	257
penalty .....	273	258
BALL-PLAYING—in streets unlawful.....	222	244
penalty .....	223	244

	Section	Page
BEGGING—permitting children—unlawful .....	226	245
BICYCLES—riding on sidewalks, unlawful.....	224	244
riding without signal lights, unlawful.....	224	244
penalty .....	225	244
BIRD SHOOTERS—shooting in city limits.....	267	256
evidence of.....	268	256
penalty .....	269	256
BONDS—of freemen vested with police powers.....	59	194
annual renewal of officers', etc.....	282	261
sureties .....	283	261
record of .....	284	261
of assessor .....	293	266
of auditor .....	298	268
of jailer.....	309	271
of night jail guard.....	321	275
of marketmaster.....	210	240
of policemen .....	327	276, 277
of superintendent of public works.....	332	278
of treasurer .....	335	279
sureties .....	336	279
of city depository.....	337	280
of overseer of poor.....	345	282
of sewer tapper.....	378	300
of sprinkling cart licensee.....	476	334
of plumbers .....	512	344
BOUNDARIES—(See Wards).		
BUILDINGS—fire escapes on certain.....	1	177
failure to provide—penalty.....	4	178
insecure, repaired or abated.....	6	179
permits for—form of.....	8, 9	180, 181
use of streets while constructing.....	10	181
signal lights about obstructions.....	428	317
regulations .....	11, 12	182
penalty for violating ordinance relating to building		
regulations .....	15	183
permit to use water from water-works department..	489	337
stables and outhouses must not become a nuisance..	244	250
(public) protection of.....	255, 258	252, 253
CATAPULTS—shooting in city limits.....	267	256
evidence of.....	268	256
penalty .....	269	256
CHILDREN—permitting to beg—unlawful.....	226	245
shooting firearms, etc.—penalty.....	271	257
CITY DEPOSITORY—bond of.....	337	280

	Section	Page
CLERK, CITY—to issue building permits.....	10	181
to issue licenses for business, etc.....	129	220
renewal .....	131	220
dogs and goats.....	133	221
explosives (selling).....	138	222
(transporting) .....	145	224
fresh meat .....	150	225
renewal .....	153	225
liquor .....	156	227
milk venders .....	161	228
renewal .....	166	229
vault cleaners .....	168	230
renewal .....	173	231
vehicles .....	178	233
salary .....	291	265
to issue orders for supplies.....	301	269
for contracts .....	302	270
duty concerning .....	303	270
extra allowance .....	304	270
to issue orders for poor—when.....	342	281
COAL—(See Weights and Measures).		
COAL OIL—storage of—regulations.....	277	259
penalty .....	278	259
COSTS—in police court—how assessed.....	279	259
part of fine.....	280	260
COUNCIL, BOARD OF—place of meeting.....	20	184
time of meeting.....	20	184
COUNCIL, GENERAL—place of meeting.....	18	184
joint session .....	22	184
two members of each board may request mayor to call	22	184
publication of proceedings in German.....	25	185
may order electric wires underground.....	51	191
to elect board of health.....	60	195
to elect health officer (but see sec. 66, p. 197) .....	68	198
to elect night jail guard.....	319	274
to elect janitor.....	322	275
to elect overseer of poor.....	338	280
to act upon application for liquor license.....	156	227
to impose rent for market stalls and stands.....	184	234
to order certificates of election.....	285	262
each board to judge of qualifications of its members....	285	262
to approve bond of auditor.....	298	268
to approve bond of superintendent of public works.....	332	278

	Section	Page
COUNCIL, GENERAL— <i>Continued.</i>		
claims presented to.....	301	269
streets—how to order improved.....	398, 399	307, 308
to award contract.....	399	309
to levy special tax.....	400	309, 310
may permit property owners to improve.....	402	310
acceptance of improvement.....	403	310
may adopt ten-year plan.....	404	310
to approve estimates of water-works commissioners.....	463	330
DAIRY—(See Health).		
DEAD BODIES—(See Health).		
DELINQUENT TAX COLLECTOR—when to pay over collections.....	288	263
compensation on personality.....	305	270
on franchises .....	306	270
DISTRICT PHYSICIANS—(See Poor).		
ELECTRICAL ILLUMINATION—grant subject to conditions.....	26	185
term of .....	27	186
price to consumer specified.....	38	188
occupation of streets, conditions.....	28	186
alleys, where practicable.....	31	186
poles, etc.—specifications .....	29	186
painting of .....	32	187
marking of .....	33	187
joint occupation of.....	34, 35	187
location of by superintendent of public works.....	36	188
wires—where crossing .....	30	186
how strung .....	{ 37 41 44 39 40 42 43 47 for arc lighting.....	188 189 189 188 188 189 189 190 190
may be ordered underground.....	51	191
guard wires and irons.....	45	190
fire gong placed in plant.....	49	191
life and property protected.....	50	191
linemen to wear badges.....	48	191
penalty for violation of ordinance relating to.....	52	192
license of Electric Light Company..... sub-section 58,	128	219
ELECTIONS—certificates of—how issued.....	285	262
when issued .....	286	262

	Section	Page
EMPLOYEES—salaries of certain.....	292	266
ENGINEER, CITY—one of committee to examine buildings....	5	179
duties with regard to electric wiring.....	{ 30 39 47	186 188 190
salary .....	291	265
accounts of—duties of.....	308	271
street improvement—prepare plans, etc.....	399	308
to advertise for.....	399	309
to supervise.....	401	310
to notify owners to make sewer connections prior to	415	313
duties concerning opening of streets.....	416	314
to issue license to sidewalk builders.....	408	312
to issue permit to cut curbs.....	420	315
EXPLOSIVES—how kept .....	140	222
license to sell (See Licenses).		
to transport (See Licenses).		
sign exhibited .....	141	223
on vehicles containing.....	143	223
unloading from cars.....	144	223
railroads may carry through city.....	147	224
FINES—in police court—default in payment.....	280	260
FIREARMS AND FIREWORKS—penalty to shoot.....	270	257
children offending.....	271	257
FIRE DEPARTMENT—chief of, to give notice to place fire es-		
capes .....	1, 3	178
one of committee to examine buildings.....	5	179
control fire alarm system.....	53	192
powers and duties.....	56	193
to place gong in electric plants.....	49	191
alarm system—penalty to interfere with.....	55	193
to give false alarm—penalty.....	55	193
to have unlawful possession of fire-box key—penalty	54	193
firemen, vested with police power.....	58	194
bond of.....	59	194
when paid salary.....	329	277
riding on apparatus of, unlawful.....	236	247
FIRE ESCAPES—(See Buildings).		
FLOBERT RIFLES—shooting in city limits.....	267	256
evidence of .....	268	256
penalty .....	269	256
GARBAGE—removal of .....	79, 80	201
unlawful to place in streets.....	247	250
on public dump.....	84	203

	Section	Page
HEALTH—board of, established.....	60	194
number—terms—election .....	60	195
may elect secretary.....	60	195
powers and duties.....	61	195
may declare nuisances.....	61	195
report to council.....	62	196
issue and revoke permits to sell milk.....	100	206
may order vaccination.....	114	210
sanitary officer subject to.....	344	282
district physician subject to.....	347	282
appointed by .....	347	282
removal by .....	349	282
contagious diseases—persons to report to board of health .....		
—penalty .....	62	196
health officer to report to council.....	66, 69	197, 198
dairy, what constitutes.....	95	205
location—how kept .....	96	205
cows—how kept.....	97	206
unhealthy separated .....	98	206
sick reported .....	99	206
milk—inspection of .....	104	207
(See Special Topic.)		
dead bodies—permit to convey through city.....	109	208
not to be buried in city limits.....	109	208
infected, not to be carried in church, etc.....	109	209
infected, carried in hearse.....	109	209
infected, how prepared.....	110	209
shipping of certain forbidden.....	111	209
how shipped .....	112, 113	209
hospital—established .....	72	199
removal of patients to .....	73	199
interference with—penalty .....	73	200
midwives—registration of .....	74	200
to keep registry of births.....	75	200
report to health officer.....	76	200
qualifications of .....	77	200
violations of ordinance—penalty.....	78	201
officer— <i>ex-officio</i> member of board of health.....	60	195
appointed by board of health.....	66	197
(but see election by council) .....	68	198
duties, generally .....	66, 69	197, 198
salary .....	67, 70	198, 199
to report nuisances to board of health.....	61	195
remove hog pens.....	64	196

	Section	Page
<b>HEALTH—officer—<i>Continued.</i></b>		
inspect dairies .....	104	207
sample milk .....	104	207
destroy unwholesome food.....	108	208
certificate for shipment of dead body.....	113	209
inspect milk venders' license.....	161	228
sanitary officer, under control of.....	344	282
district physicians, under control of.....	347	282
may order patient to hospital.....	348	283
distribute medicines .....	353	284
record—report .....	354	284
privy vault—removal of contents—permit.....	86	203
cleaned—how—when .....	87	203
not to become offensive.....	244	250
night soil—disposition of.....	88	203
boat dump for.....	91	204
not to connect with sewer.....	388	303
sanitary officer, overseer of poor to act as.....	344	281
to issue vault cleaning permit.....	86	203
form of—not assignable.....	90	204
to examine privy vaults.....	89	204
report to council.....	93	205
(See Poor.)		
<b>HOSPITAL—(See Health).</b>		
<b>HOUSES—system of numbering.....</b>	<b>445</b>	<b>322</b>
<b>INTOXICATING LIQUORS—unlawful to sell after midnight.....</b>	<b>239</b>	<b>248</b>
exception .....	240	249
selling without license—penalty.....	241	249
(See Licenses.)		
<b>JAIL—(See Jailer).</b>		
<b>JAILER—salary .....</b>	<b>291</b>	<b>265</b>
bond .....	309	271
sureties .....	310	272
duties .....	311	272
station house no part of jail.....	312	273
no fee for persons in station house—exception.....	313	273
violation of jail ordinance—penalty.....	314	273
bill of fare.....	315	273, 274
meals per day.....	316	274
penalty .....	317	274
night jail guard—term.....	318	274
election—salary .....	319	274
duties .....	320	274
bond .....	321	274

	Section	Page
JANITOR—election—term .....	322	275
duties .....	323	275
salary .....	324	276
LIBRARY, PUBLIC—Carnegie gift accepted.....	117	210
appropriation for .....	117, 119	210, 211
LICENSES—business, etc., required.....	121	212
failure to take out—penalty.....	122	212
conviction no exemption from payment.....	127	213
civil action to collect.....	122	212
not transferable .....	123	212
exhibited .....	124	213
date—payment .....	125	213
revocation of .....	126	213
issued by clerk.....	129	220
application of .....	130	220
renewal of .....	131	220
(special) advertising agents.....	sub-section 15,	218
auction house.....	sub-section 46,	218
auctioneer .....	sub-section 1,	213
banking .....	sub-section 39,	217
bill distributing.....	sub-section 20,	215
bill posting .....	sub-section 20,	215
billiards and pool.....	sub-section 52,	219
bowling alleys .....	sub-section 55,	219
brewers' agents .....	sub-section 14,	214
broker, financial.....	sub-section 1,	213
broker, insurance .....	sub-section 38,	217
broker, lumber .....	sub-section 19,	215
broker, merchandise .....	sub-section 17,	215
broker, railroad ticket .....	sub-section 18,	215
cattle dealer .....	sub-section 33,	216
circus .....	sub-section 53,	219
claim agent .....	sub-section 11,	214
clairvoyant .....	sub-section 50,	219
commission merchant .....	sub-section 9,	214
concerts .....	sub-section 5,	214
cyclorama .....	sub-section 25,	215
detective agency .....	sub-section 32,	216
doctor, itinerant .....	sub-section 51,	219
electric light company.....	sub-section 58,	219
express wagon .....	sub-section 59,	219
financial agent .....	sub-section 1,	213
fortune telling .....	sub-section 49,	219
furniture wagon .....	sub-section 60,	219
grain elevator .....	sub-section 24,	216

LICENSES—(special)— <i>Continued.</i>	Section	Page
horse dealer .....	sub-section 33, 128	216
huckster .....	sub-section 44, 128	218
ice dealer .....	sub-section 23, 128	216
insurance broker .....	sub-section 38, 128	217
insurance company .....	sub-section 37, 128	217
itinerant doctor .....	sub-section 51, 128	219
junk dealer .....	sub-section 21, 128	215
laundry agent .....	sub-section 36, 128	217
laundryman .....	sub-section 35, 128	217
lender of money on chattel mortgages.....	sub-section 43, 128	218
lightning rod agent.....	sub-section 10, 128	214
liquors, wholesale.....	sub-section 3, 128	213
liquors, retail, not to be drunk on premises.....		
	sub-section 4, 128	214
lithographing .....	sub-section 20, 128	215
loan company .....	sub-section 16, 128	215
lumber broker .....	sub-section 19, 128	215
masquerade ball .....	sub-section 48, 128	218
messenger .....	sub-section 42, 128	218
nurseryman .....	sub-section 29, 128	216
nurseries' solicitor .....	sub-section 13, 128	214
operatic exhibitions .....	sub-section 54, 128	219
panorama .....	sub-section 26, 128	216
patent rights dealer.....	sub-section 34, 128	217
pawnbroker .....	sub-section 47, 128	218
pedestrian exhibitions .....	sub-section 30, 128	216
peddler .....	sub-section 45, 128	218
photographers' agents .....	sub-section 6, 128	214
pool tables .....	sub-section 52, 128	219
promoters of concerts.....	sub-section 5, 128	214
public shows .....	sub-section 8, 128	214
railroad ticket broker.....	sub-section 18, 128	215
real estate agents .....	sub-section 1, 128	213
rental agent .....	sub-section 1, 128	213
runners .....	sub-section 7, 128	214
sample distribution .....	sub-section 20, 128	215
second-hand dealers .....	sub-section 22, 128	216
sewing machine agents .....	sub-section 12, 128	214
shooting gallery .....	sub-section 56, 128	219
shows, public .....	sub-section 8, 128	214
skating rink .....	sub-section 27, 128	216
slot machines .....	sub-section 61, 128	220
storage houses .....	sub-section 28, 128	216
street faker.....	sub-section 57, 128	219
telegraph .....	sub-section 40, 128	217

LICENSES—(special)— <i>Continued.</i>	Section	Page
telephone .....	sub-section 41, 128	218
theatrical exhibitions .....	sub-section 54, 128	219
wrestling exhibitions.....	sub-section 31, 128	216
dogs and goats—amount.....	133	221
failure to obtain—penalty .....	134	221
applied to police fund.....	136	222
explosives (selling) .....	137	222
amount—date .....	138	222
failure to obtain—penalty.....	139	222
applied to fire department fund.....	142	223
explosives (transporting) .....	143	223
amount—date .....	145	223, 224
violation of ordinance—penalty.....	146	224
applied to police fund.....	148	224
fresh meat—amount.....	149	224
not transferable—how issued.....	150	225
failure to obtain—penalty.....	151	225
applied to police fund.....	152	225
renewal of.....	153	225
liquor—amount—terms .....	154	226
provision for transfer.....	155	226
application for, requirements.....	156	227
made to council.....	156	227
what must show.....	157	227
must be displayed.....	157	227
does not authorize selling on Sunday.....	157	228
applied to police fund.....	158	228
selling without—penalty .....	241	249
milk venders—amount .....	160	228
exhibited .....	161	228
date .....	162	229
not transferable .....	163	229
violation of ordinance—penalty.....	164	229
applied to general expense.....	165	229
renewal .....	166	229
permit to sell from board of health.....	100	206
plumbers—issued by water-works department.....	511	344
sewer tapper—issual .....	378	300
term—amount .....	378	301
not transferable .....	378	301
applied to street fund.....	378	301
sidewalk builders .....	408	312
penalty .....	410	312
sprinkling carts—issued by water-works department....	476	334
vault cleaners—amount .....	167	230

	Section	Page
LICENSES—vault cleaners— <i>Continued.</i>		
issual—not transferable .....	168	230
date—term .....	169	230
violation of ordinance—penalty.....	170	230
revocation .....	170	230
subject to board of health and health officer.....	171	231
applied to police fund.....	172	231
renewal .....	173	231
vehicles for hire—classification.....	174	232
term .....	175	232
exception .....	176	232
violation of ordinance—penalty.....	177	232
issual by clerk.....	178	233
plate displayed .....	179	233
police officers to enforce.....	180	233
applied to police fund.....	181	233
LICENSE COLLECTOR—collect dog license.....	135	221
list dog owners.....	135	221
failure—penalty .....	135	221
MARKETS—market days .....	182	233
stalls and stands—sale of.....	183	233
rents in advance.....	190, 202	235, 237
transfer of .....	185	234
forfeiture .....	186	234
cleaning of—penalty.....	189	234
outside established .....	195	236
rules .....	196	236
closing hours .....	193	235
forestalling—penalty .....	192	235
standard weights to be kept at.....	188	234
using false weights at—penalty.....	187	234
MARKETMASTER—office created—term—election.....	203	237, 238
oath—bond .....	210	240
salary .....	211	240
fees accounted before paid.....	209	240
accounting and reporting.....	{ 201 208 288	237 239 263
market place—control of.....	204	238
keep clean .....	194	235
responsible for sanitary condition.....	198, 205	236, 238
rent stalls and stands.....	194	235
receive bids for stalls, etc.....	197	236
report repairs .....	194	235
place wagons about .....	194	235

	Section	Page
<b>MARKETMASTER</b> —market place— <i>Continued.</i>		
may arrest and report certain offenders.....	199, 206	236, 238
control outside stands.....	196	236
inspect coal .....	528	349
weights and measures—inspector and custodian.....	{ 194 200 207 519	236 237 239 347
when required, shall weigh articles.....	212	240
weights, etc., fee for inspecting.....	213	240
applied to interest fund.....	214	241
person refusing to pay—penalty.....	215	241
<b>MAYOR</b> —one of committee to examine insecure buildings....	5	179
open street improvement bids.....	399	309
may call council in joint session.....	22	184
select German newspaper for publication of proceedings of council .....	25	185
<i>ex-officio</i> president of board of health.....	60	195
may revoke licenses—vault cleaners.....	91, 170	204, 230
business, etc.....	126	213
may close saloons by proclamation—when.....	157	228
may permit sale of liquor after midnight on certain oc- casions .....	240	249
may order unclaimed dogs and goats killed.....	217	242
may order dogs muzzled.....	218	242
to issue certificate of election.....	285	262
appoint water-works commissioners.....	462	330
<b>MEDICINE</b> —for poor—(See Poor).		
<b>MIDWIVES</b> —(See Health).		
<b>MILK</b> —of sick animals not to be sold,.....	98	206
kept separate from good.....	98	206
permit to sell.....	100	206
legal standard .....	101	206
impure, sale of forbidden.....	102	207
skimmed, how sold.....	103	207
selling from wagon.....	105	207
sample may be taken by health officer.....	104	207
(See Health, and Licenses.)		
<b>NIGHT JAIL GUARD</b> —(See Jailer.)		
<b>OFFENSES AND PUNISHMENTS</b> —abusive language.....	229	246
animals, vicious at large.....	216	242
unmuzzled dogs at large.....	218	242
vicious dogs at large.....	219	243
cattle at large.....	220	243

OFFENSES AND PUNISHMENTS—animals— <i>Continued</i>	Section	Page
dead, remaining on street.....	248	251
assembly, unlawful .....	227	245
automobiles, speeding—gong.....	272	257
penalty .....	273	258
ball-playing on streets.....	222, 223	244
begging, permitting children .....	226	245
bicycles—on sidewalks.....	224	244
without signal light.....	224	244
penalty .....	225	244
breach of peace.....	227	245
disorderly conduct .....	228	245
disorderly house .....	230	246
drunkenness .....	231	246
exposing person by bathing or otherwise.....	232	246
entering cars unlawfully.....	234	247
penalty .....	235	247
entering on fire apparatus.....	236	247
fast driving .....	276	258
false weights, using.....	187, 523	234, 348
failure of officers to turn over books, etc., to successor....	287	262, 263
firearms and fireworks, shooting.....	270	257
children offending .....	271	257
house of ill fame .....	230	246
house, disorderly .....	230	246
liquor-selling without license.....	241	249
after midnight .....	239	248
lewd posters, etc.....	237	248
penalty .....	238	248
loitering .....	242	249
in public buildings .....	258	253
nuisances, on private property.....	243	250
stables, etc., to become.....	244	250
penalty .....	245	250
on streets .....	246, 247	250
dead animals .....	248	251
officers resisting .....	263	255
profane swearing .....	231	246
public landing protected.....	260	254
public property, mutilating .....	255	252
public ways, obstructing.....	254, 256, 257	252, 253
riot—rout .....	227	245
resisting officers .....	263	255
sidewalks, obstructing .....	250, 256	251, 253

OFFENSES AND PUNISHMENTS—sidewalks—Continued.	Section	Page
driving upon—injuring .....	253	252
spitting upon.....	251	251, 252
sign boards regulated .....	261	254
second-hand dealers, to report.....	264	255
penalty .....	265	255
shade trees and boxes protected.....	266	256
shooting catapults, etc.....	267	256
penalty .....	269	256
firearms and fireworks.....	270	257
spitting on streets.....	251	252
penalty .....	252	252
spitting on street car.....	251	251, 252
penalty .....	252	252
street cars, speed limited.....	274	258
penalty .....	275	258
storage of coal oil, etc.—regulations.....	277	259
penalty .....	278	259
(Penalties for violations of various ordinances, see Special Topics.)		
OFFICERS—execute orders of board of health.....	63	196
resisting—penalty .....	263	255
bonds of, renewal annually.....	282	261
certificates of election of.....	285	262
when to issue.....	286	262
when to qualify.....	286	262
to deliver books, etc., to successor.....	287	262, 263
penalty .....	287	263
when to pay over collections.....	288	263
oaths .....	290	264
salaries of certain.....	291	265
salaries of certain employees.....	292	266
(See Special Topics.)		
PLUMBERS—license—permit .....	511	344
application .....	512	344
term—fee .....	512	345
laying pipe—regulations .....	513	345
must make returns .....	514	345
service—regulations .....	515	345
removal of stop-cock boxes.....	516	345
fines and forfeitures.....	517	345
POLICE JUDGE—assessment of costs by.....	279	259
may order vicious dog killed.....	219	243
may order convict fed on bread and water.....	281	260
salary .....	325	276

	Section	Page
POLICE AND FIRE COMMISSIONERS—to approve bond of firemen .....	59	194
of policemen .....	327	277
salary .....	326	276
POLICE—chief of, may impound cattle.....	221	243
advertise .....	221	243
to pay over collections.....	288	263
supervise stationhouse.....	312	273
may order unclaimed dogs and goats killed.....	217	242
to receive report from second-hand dealers.....	264	255
to serve certain notices.....	415	313
officers to enforce vehicle license ordinance.....	180	233
bond of .....	327	276, 277
number—pay .....	328	277
when paid .....	329	277
to inspect and order coal weighed.....	528	349
POOR—overseer of—election—term.....	338	280
duties .....	339	280
salary .....	339 and note	280
application for relief to.....	340	280, 281
relief, regulations concerning.....	341	281
to issue relief certificates.....	342	281
to keep records.....	343	281
to report to council.....	343	281
to act as sanitary officer.....	344	281, 282
subject to board of health and health officer.....	344	282
oath—bond .....	345	282
districts—defined .....	346	282
district physicians—appointment—duties.....	347	282
subject to health officer.....	347	282
subject to rules of board of health.....	347	282
report to board of health and council.....	347	282
may send patients to hospital.....	348	283
removal of.....	349	283
prescriptions, record of.....	350	283
salaries .....	351	283
medicine for, how furnished.....	352	283, 284
how distributed.....	353	284
record and report by health officer.....	354	284
PUBLIC BUILDINGS—protected.....	255, 258	252, 253
PUBLIC DUMPS—designated.....	82	202
permit to use.....	83	202
PUBLIC LANDING—obstructing—penalty.....	260	254

	Section	Page
PUBLIC PROPERTY—protection of.....	255, 258	252, 253
PUBLIC WAYS—(See Streets and Sidewalks).		
PUBLIC WORK—home labor preferred.....	355	284
wages of laborer protected.....	356	284
certified check to accompany bids for.....	357	285
RESISTING OFFICERS—(See Offenses and Punishments).		
RUBBER SLINGS—(See Catapults).		
SANITARY OFFICER—(See Health—Poor).		
SECOND-HAND DEALERS—to report to chief of police.....	264	255
failure—penalty .....	265	255
SEWERS—districts, city divided into.....	358	285
district "A" defined.....	359	286, 287
"B" defined.....	359	287—289
"C" defined.....	359	289—291
"D" defined.....	359	291—294
"E" defined.....	359	295, 296
plats on file.....	360	296
ordinance to sewer district "A".....	361—363	296, 297
"B".....	364—366	297
"C".....	367—369	297, 298
"D".....	370—372	298, 299
"E".....	373—375	299
connections—permit to sewer tapper.....	376	300
to owner.....	383	302
license to sewer tapper.....	378	300
terms—fee .....	378	301
not transferable.....	378	301
applied to street fund.....	378	301
notice of.....	380	301
how constructed, drains.....	379	301
penalties for violation of ordinance regulating.....	381	301, 302
superintendent of public works to make regulations.....	382	302
permit to owner, etc.....	383	302
fee .....	384	302
penalty for failure to obtain.....	385	302
whom required of.....	386	302
applied to street fund.....	387	302, 303
rules and regulations.....	388	303, 304
violation of—penalty.....	389	305
owners to make as far as curb line.....	390	305
failure—penalty .....	391	305
with manufactories required.....	393	305, 306
penalty .....	394	306
tapping of manholes, etc., prohibited.....	396, 397	306, 307
must be made before improvement of streets.....	412	313

	Section	Page
<b>SEWERS—<i>Continued.</i></b>		
draining of ashes, etc., into unlawful.....	247	251
parts of slaughtered animals into unlawful.....	106	208
privy vault not to be connected with.....	388	303
<b>SHADE TREES—mutilation of—penalty.....</b>	<b>266</b>	<b>255</b>
<b>SIDEWALKS—openings—vaults—balcony .....</b>	<b>11</b>	<b>182</b>
vaults under, how constructed.....	12	182
steps, porch, how far to project.....	13	183
driving or trespassing upon—penalty.....	253	252
obstructing .....	250, 254, 256, 257	251—253
spitting upon.....	251, 252	252
sign boards over.....	261	254
penalty .....	262	255
builders must obtain license.....	408	312
opening by plumber.....	513	345
<b>SIGN BOARDS—how placed.....</b>	<b>261</b>	<b>254</b>
<b>SIGNAL BELLS—at certain streets.....</b>	<b>426</b>	<b>316</b>
<b>SIGNAL LIGHTS—about excavations and obstructions.....</b>	<b>428</b>	<b>317</b>
penalty .....	429	317
<b>SOLICITOR, CITY—office of abolished.....</b>	<b>331</b>	<b>278</b>
<b>SPRINKLING—(See Streets).</b>		
<b>STATION HOUSE—(See Jailer).</b>		
<b>STREET CARS—speed limited.....</b>	<b>274</b>	<b>258</b>
spitting in prohibited.....	251, 252	251, 252
<b>STREETS—<i>general provisions—</i></b>		
used for building purposes, regulations.....	10	181
removal of surplus building material.....	14	183
electric light poles must not obstruct.....	28	186
poles not to be erected without authority.....	257	253
ashes, etc., upon unlawful.....	246, 247	250
dead animals must not be upon.....	248	251
obstructing or damaging unlawful.....	254	252
filth upon improved street unlawful.....	256	253
opening for sewer connections before reconstruction	412	313
opening reconstructed street for certain time unlaw-		
ful—penalty .....	413, 414	313
opening, when authorized—regulations.....	416	314
permit .....	417	314
deposit of money.....	417	314
surface to be repaired.....	418	314
condition to be reported.....	419	315
curb—permit to cut.....	420	315
depth limited.....	421	315
penalty .....	422	315

	Section	Page
<b>STREETS—general provisions—Continued.</b>		
protection of improved streets.....	424	316
penalty .....	425	316
signal bells required at certain.....	426	316
signal lights about excavations, etc.....	428	317
penalty .....	429	317
sprinkling—dry strip left.....	430	318
penalty .....	431	318
excessive forbidden.....	432	318
penalty .....	433	318
between steam railway tracks required.....	434	319
penalty .....	435	319
<i>grades—</i>		
establishing of, east of Park avenue, of Ohio alley..	436	319
Sixth street.....	437	320
Seventh street.....	438	320
Eighth street.....	439	320
Ninth street.....	440	320
Maple avenue.....	441	321
Linden avenue.....	442	321
Oak avenue.....	443	321
Indiana, Tennessee and Kentucky alleys.....	444	322
<i>improvement—</i>		
construction and reconstruction.....	398	307, 308
cost—lien .....	398	307, 308
petition of property owners.....	399	308
advertisement—contract .....	399	308, 309
special tax for.....	400	309, 310
supervision of.....	401	310
property owners may.....	402	310
acceptance of.....	403	310
ten-year plan may be adopted.....	404	310, 311
proceedings according to charter.....	405	311
contracts, special collector of tax.....	406	311, 312
<i>names—</i>		
certain changed.....	445—460	322—328
portion of Ohio alley abandoned.....	455	327
<b>SUPERINTENDENT OF PUBLIC WORKS—</b>		
bond of.....	332	278
salary .....	333	278
one of committee to examine buildings.....	5	179
to order issual of building permits.....	10	181
to approve construction of vaults.....	12	182
to issue permits for crossing electric lines.....	30	186
to use public dump.....	83	202

Section	Page
<b>SUPERINTENDENT OF PUBLIC WORKS—permits—<i>Continued.</i></b>	
to connect with sewers.....	376, 383
fee—penalty .....	384, 385
to open streets.....	423
to supervise location of poles.....	36
painting of poles.....	32
stringing of wires.....	37, 41
improvement of streets.....	401
construction of sidewalks.....	409
to accept street improvements.....	403
to inspect cutting of curbs.....	420
to make rules and regulations for sewer connections....	382
may require sewer connections with manufactories.....	393
to require deposit of money upon opening of streets....	417
one of committee to open street bids.....	399
to issue sewer-tappers' license.....	376, 378
TAXES—delinquent bills published by auditor.....	299
TREASURER—to receive collections.....	288
salary .....	291
bond .....	335
sureties .....	336
VACCINATION—of children attending school.....	114
all persons may be ordered by board of health.....	114
VEHICLES—(See Licenses).	
WARDS—boundaries defined.....	461
WATER-WORKS—commissioners—appointment .....	462
qualifications—powers .....	462
may appoint superintendent.....	462
secretary .....	462
employees .....	462
to submit annual estimate to council.....	463
expenditure in excess of estimate to be approved by	
council .....	464
quorum .....	466
treasurer .....	466
to license sprinkling carts.....	476
to license plumbers.....	511
rates and rules—application for service connection....	467
permit .....	467
service pipes.....	468
inspection of.....	471
depth .....	472
stop-cock in.....	473
use of water from another's hydrant.....	469
service attachments.....	470
	332, 333

WATER-WORKS—rates and rules— <i>Continued.</i>	Section	Page
hydrants—flush with grade.....	474	334
location of.....	480	335
hose attachments.....	475	334
use of.....	484	336
sprinkling carts licensed.....	476	334
fixtures on premises.....	477	335
branch services.....	478	335
alterations and extensions.....	479, 482	335
attachments to old pipes.....	481	335
filling cisterns.....	483	336
connecting for fire protection.....	485	336
repair of pipes.....	486	336
fountains .....	487	337
boilers .....	488	337
water used for building purposes.....	489	337
water tanks.....	490	337
meters, control of.....	491	337
assessments and payments.....	492	338
enforcement of rules.....	493	338
watering troughs.....	494	339
violation of ordinance—water turned off.....	495	339
penalties .....	496	339
meter rates.....	{ 497, 503, 506, 507, 509	339, 342, 343
	497, note	340
survey rates.....	498	340
bakeries, fountains, etc.....	499	341
rates to outside consumers.....	500	341
rates—payment in advance.....	501	341
hydraulic elevators.....	503	342
outside consumers.....	504	342
subject to rules and regulations.....	505	342
rules governing plumbers—(See Plumbers).		
receipts, application of.....	465	331
WEIGHTS AND MEASURES—using false, at market.....	187	234
using false—penalty.....	523	348
standard, to be kept at market.....	188	234
marketmaster custodian of.....	{ 194 200 207	236 237 239
marketmaster to weigh certain articles when required..	212	240
inspection of, refusing to pay for.....	215	241
testing of.....	519	346, 347
weights of certain articles per bushel.....	520	347
weight to barrel of potatoes.....	521	348
selling unscreened coal for screened—penalty.....	522	348

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WEIGHTS AND MEASURES— <i>Continued.</i>	Section	Page
hundred-weight—standard .....	524	348
coal carts, standard size.....	525	348
penalty for not using.....	526	349
coal, sale by bushel—weight.....	527	349
marketmaster to enforce.....	528	349
penalty .....	529	349
scale on wagon.....	530	350
penalty .....	531	350
using private scale for public purposes—penalty.....	532	350
WHARVES—wharfmaster to pay over collections.....	288	263
duties and powers; .....	537	351, 352
improved—rates .....	533	351
sections—rate .....	534	351
rates—lumber and other craft.....	535	351
per day.....	536	351
watercraft used as dwelling.....	538	352
trespassing upon—penalty.....	255	252, 253

## SPECIAL ORDINANCES.

## BRIDGES.

	Page
CENTRAL RAILWAY AND BRIDGE COMPANY—ordinance granting certain privileges to.....	355, 356
right of way defined.....	355
tax exemption during construction.....	355
bridge—how constructed—discrimination forbidden.....	356
rights reserved to city.....	356
rates of toll.....	356
time of completion limited.....	356
an ordinance authorizing change of grade.....	357
right to change grade—city held harmless.....	357
restriction as to laying street railway track.....	357
KENTON COUNTY AND CAMPBELL COUNTY BRIDGE COMPANY—ordinance granting privileges to.....	357, 358
right of way—bond required.....	357, 358
NEWPORT AND CINCINNATI BRIDGE COMPANY—ordinance granting privi- leges to.....	359
right of way—restrictions—rates of toll.....	359
an ordinance authorizing change of grade.....	360, 361
certain streets to be placed and kept in repair—bond re- quired .....	360, 361
an ordinance authorizing change of approaches.....	361—365
change of grade of streets—expense borne by company ..	361, 362
company to construct certain street—damages to property owners paid by company.....	363, 364
single track on street—bond required.....	364
rates of toll.....	365

## LIGHT.

NEWPORT LIGHT COMPANY—ordinance granting gas lighting privi- leges .....	366—370
extent of grant.....	366
pipes, how laid—rates for gas.....	367, 368
public street lamps.....	368
transfer of city's right to purchase.....	369
right of city to purchase on termination.....	369, 370

NEWPORT LIGHT COMPANY— <i>Continued.</i>	Page
other mode of lighting than gas.....	370
gas consumed by city—how paid for.....	370
<i>resolution adopting compromise contract between city and Newport Light Company</i> .....	370—372
preamble .....	370, 371
contract—terms of.....	371, 372
rates to private consumers.....	372
<i>ordinance granting right to erect poles, string wires, etc.</i> .....	373, 374
revocable—rental—regulations—city held harmless.....	373
acceptance .....	374
SUBURBAN ELECTRIC ILLUMINATING, HEATING AND POWER COMPANY—	
<i>ordinance granting right to erect poles, wires, etc.</i> .....	374, 375
streets not to be obstructed.....	374, 375
poles—how placed.....	375
<i>resolution authorizing contract with.</i> .....	375—380
preamble to contract .....	376, 377
terms of contract.....	377—380
PUBLIC BIDDING— <i>ordinance offering gas franchise.</i> .....	380—387
advertisement of.....	380, 381
conditions .....	381—387
<i>resolution accepting B. Bramlage bid.</i> .....	387, 388
 RAILWAYS.	
ELIZABETHTOWN, LEXINGTON AND BIG SANDY RAILROAD COMPANY—	
<i>ordinance granting right of way.</i> .....	388—392
grant—course prescribed.....	388, 389
bridges over crossings.....	389
crossing water-works road.....	389
expense of change paid by company.....	389
switch—speed on.....	390
road, how laid—gutter-plates at crossings.....	390
gates—watchmen .....	391
rights reserved to city—running switch forbidden—depot—	
bridges over road.....	391
discrimination in rates forbidden.....	391
L. & N. R. R. Co. may use switch.....	391
care, exercise of—city protected.....	392
switch for water-works—excavations—grades.....	392
LOUISVILLE, CINCINNATI AND LEXINGTON RAILROAD— <i>ordinance granting right of way.</i> .....	393—395
course of right of way—temporary use of wharf.....	393
rights reserved—city held harmless—connect with bridge. 393, 394	

LOUISVILLE, CINCINNATI AND LEXINGTON RAILROAD— <i>Continued.</i>	Page
construction—speed limit—rights reserved.....	394, 395
<i>an ordinance amending an ordinance granting right of way</i> .....	395
change of grade authorized.....	395
LOUISVILLE AND NASHVILLE RAILROAD COMPANY— <i>ordinance granting right of way for switch</i> .....	395—398
course of.....	395, 396
provisions of former ordinance, part of.....	396
regulations as to trains.....	396
supervision of city engineer.....	396
crossing regulations—speed limit.....	397
limitation of grant to grantee.....	397
penalty .....	397
crossings over right of way.....	397, 398
CHESAPEAKE AND OHIO AND LOUISVILLE AND NASHVILLE RAILROAD COMPANIES— <i>ordinance requiring certain bridges to be built by, and releasing from certain obligations</i> .....	398—400
bridges to be maintained.....	398, 399
release of certain obligations.....	399, 400
not liable to property holders.....	400

#### RAILWAYS—PRIVATE.

ADDYSTON PIPE AND STEEL COMPANY—switch.....	400, 401
NEWPORT IRON AND BRASS FOUNDRY COMPANY—switch.....	401, 402
SWIFT'S IRON AND STEEL WORKS— <i>resolution—switch</i> .....	402, 403
<i>ordinance regulating switch</i> .....	403, 404
THE GEORGE WIEDEMANN BREWING COMPANY—switch.....	405

#### STREET RAILWAYS.

NEWPORT AND DAYTON STREET RAILWAY COMPANY— <i>ordinance granting certain privileges</i> .....	406, 407
course prescribed.....	406
company to keep portion of street in repair.....	406
speed limit—forfeiture.....	406, 407
repealing clause.....	407
NEWPORT STREET RAILWAY COMPANY— <i>ordinance granting privileges</i> .....	407—410
course prescribed.....	407, 408
use of railway—regulations—rates of fare.....	408
track regulations.....	408
license to be paid city.....	408, 409
operation of cars, rules for.....	409

NEWPORT STREET RAILWAY COMPANY— <i>Continued.</i>	Page
time in which road shall be completed.....	409
rights reserved—acceptance.....	409, 410
<i>ordinance providing for extension of lines</i> .....	410, 411
course prescribed.....	410
operation and construction, condition—fares .....	410, 411
NEWPORT ELECTRIC STREET RAILWAY COMPANY— <i>ordinance granting rights and providing terms</i> .....	411—415
course prescribed.....	411, 412
terms and conditions.....	412—415
<i>ordinance providing for extension of lines</i> .....	415, 416
conditions of former ordinance part hereof.....	415, 416
course prescribed—streets to be restored.....	416
<i>ordinance extending time for building of road</i> .....	417, 418
terms and conditions.....	417, 418
<i>ordinance granting rights over certain streets omitted in former ordinances</i> .....	419—422
preamble .....	419, 420
course prescribed.....	420
concrete foundation on certain streets.....	421
time for building extended.....	421
acceptance of.....	421
road to be constructed on Central avenue.....	422
rates—transfers .....	422
streets to be restored.....	422
<i>ordinance providing for change of lines</i> .....	422—425
preamble .....	422, 423
course prescribed.....	423
conditions .....	423, 425
SOUTH COVINGTON AND CINCINNATI STREET RAILWAY COMPANY— <i>ordinance authorizing change of motive power, etc.</i> .....	425—429
privileges granted.....	425
speed limit—time schedule.....	425, 426
conductor and motorman on each car.....	426
poles, regulations concerning.....	426
fares—license fee.....	426—428
rights reserved—track regulations—bond.....	428, 429
time to construct—location of power house.....	429
<i>ordinance granting rights on Brighton street</i> .....	430—432
course prescribed—further privileges—rights reserved.....	430
tracks—poles—regulations concerning.....	431
supervision of city engineer.....	431
change of grade.....	431
bond .....	431, 432
obstruction of street prohibited.....	432

## TELEGRAPH AND TELEPHONE.

	Page
F. R. PHILLIPS, ASSOCIATES— <i>ordinance granting privileges</i> .....	432—434
grant .....	432, 433
obstruction of streets prohibited—repair of streets.....	433
plant to be kept in city.....	433
grant not exclusive.....	433, 434
commencement and completion of work.....	434
bond required.....	434
poles may be used by other companies.....	434
fire use of service.....	434

POSTAL TELEGRAPH CABLE COMPANY—*ordinance granting privileges*.....

.....	435—437
grant, subject to restrictions.....	435
regulations .....	435
combination with other company forbidden.....	436
office to be kept in Newport.....	436
rights reserved.....	436, 437
license tax—amount.....	437

## TAX EXEMPTIONS.

ALHAMBRA TILE COMPANY.....	437, 438
W. J. BAKER COMPANY.....	438, 439
DONALDSON LITHOGRAPHING COMPANY.....	439, 440
NEWPORT ROLLING MILL COMPANY.....	440, 441
FRANK UNNEWEHRE & Co. ....	441, 442
THE GEORGE WIEDENMANN BREWING COMPANY.....	442, 443

## TURNPIKES.

CAMPBELL TURNPIKE ROAD COMPANY— <i>resolution authorizing contract as to portion of road</i> .....	443—445
terms of contract.....	444, 445
COVERT RUN TURNPIKE ROAD COMPANY— <i>dedication of portion of road</i> —acceptance .....	445

## WATER-WORKS.

WILLIAM W. POST— <i>contract to supply Bellevue and Dayton with water</i> .....	446, 447
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Power of City to borrow Money.

U.S.S.C. 34 L.Ed. 1069

22 " " 264

Tucker vs Raleigh 75 N.C. 267

Corn vs Pittsburg 34 Pa. 496

88 Pa 66

" " Galena vs Corinth 48 Ill 423, 95 A.D. 557



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